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WHEN: Tuesday, October 22, 2013
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Presidential Documents

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The President

Proclamation 9027 of September 30, 2013

National Arts and Humanities Month, 2013

By the President of the United States of America

A Proclamation

Throughout our history, America has advanced not only because of our people's will or our leaders' vision, but also because of paintings and poems, stories and songs, dramas and dances. These works open our minds and nourish our souls, helping us understand what it means to be human and what it means to be American. During National Arts and Humanities Month, we celebrate the rich heritage of arts and humanities that has long been at the core of our country's story.

Our history is a testament to the boundless capacity of the arts and humanities to shape our views of democracy, freedom, and tolerance. Each of us knows what it is like to have our beliefs changed by a writer's perspective, our understanding deepened by a historian's insight, or our waning spirit lifted by a singer's voice. These are some of the most striking and memorable moments in our lives, and they reflect lasting truths—that the arts and humanities speak to everyone and that in the great arsenal of progress, the human imagination is our most powerful tool.

Ensuring our children and our grandchildren can share these same experiences and hone their own talents is essential to our Nation's future. Somewhere in America, the next great author is wrestling with a sentence in her first short story, and the next great artist is doodling in the pages of his notebook. We need these young people to succeed as much as we need our next generation of engineers and scientists to succeed. And that is why my Administration remains dedicated to strengthening initiatives that not only provide young people with the nurturing that will help their talents grow, but also the skills to think critically and creatively throughout their lives.

This month, we pay tribute to the indelible ways the arts and humanities have shaped our Union. Let us encourage future generations to carry this tradition forward. And as we do so, let us celebrate the power of artistic expression to bridge our differences and reveal our common heritage.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2013 as National Arts and Humanities Month. I call upon the people of the United States to join together in observing this month with appropriate ceremonies, activities, and programs to celebrate the arts and the humanities in America.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of September, in the year of our Lord two thousand thirteen, and of the Independence of the United States of America the two hundred and thirty-eighth.

[FR Doc. 2013–24381
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Presidential Documents

Proclamation 9028 of September 30, 2013

National Breast Cancer Awareness Month, 2013

By the President of the United States of America

A Proclamation

Every October, America stands in solidarity with those battling breast cancer and those at risk for breast cancer. This disease touches every corner of the United States—in 2013 alone, more than 230,000 women and over 2,000 men will be diagnosed with breast cancer, and tens of thousands will die from it. As we observe National Breast Cancer Awareness Month, we salute the women and men who dedicate themselves to prevention, detection, and treatment; we show our support for every individual and every family struggling with breast cancer; and we pause to remember those we have lost.

Over the past two decades, our Nation has made strides in the fight against breast cancer. While we still do not know the exact causes, we do know that some women are at an increased risk of developing this disease, including those who have a personal or family history, who are older, or who are overweight or obese after menopause. Because early detection can decrease the risk of death from breast cancer, I encourage women to speak with their doctors about recommended mammograms and clinical breast exams. Whether you are looking for information about breast cancer prevention, treatment of metastatic breast cancer, or information about the latest research, all Americans can learn more by visiting www.Cancer.gov.

Last year, my Administration invested over half a billion dollars in breast cancer research. We proudly support studies aimed at discovering better screening methods, developing more effective treatments, and improving our understanding of this disease.

And because everyone should have access to preventive services, the Affordable Care Act requires most health insurance plans to fully cover recommended breast cancer screenings. This law also prohibits insurers from setting lifetime dollar limits on coverage, or from dropping coverage because of errors on paperwork. Beginning in 2014, companies will no longer be able to put dollar limits on annual benefits or deny insurance because of pre-existing conditions, including breast cancer. And starting October 1, Americans can visit www.HealthCare.gov to shop for affordable coverage in the new Health Insurance Marketplace.

This month, we reaffirm our commitment to reduce the burden of breast cancer. We join hands with our mothers, daughters, sisters, and friends. We renew our support for increased access to screenings and care, and we advance the innovative research that will usher in a new era in the fight against breast cancer.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2013 as National Breast Cancer Awareness Month. I encourage citizens, government agencies, private businesses, nonprofit organizations, and all other interested groups to join in activities that will increase awareness of what Americans can do to prevent breast cancer.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of September, in the year of our Lord two thousand thirteen, and of the Independence of the United States of America the two hundred and thirty-eighth.

[FR Doc. 2013–24382
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Presidential Documents

Proclamation 9029 of September 30, 2013

National Cybersecurity Awareness Month, 2013

By the President of the United States of America

A Proclamation

In an increasingly interconnected world, many Americans rely on the Internet and digital tools every day—from communicating with colleagues, friends, and family across the globe to banking and shopping without leaving our homes. Technology is reshaping every aspect of our lives, and protecting our digital infrastructure from cyber threats is one of our highest security priorities. This month, we expand public awareness about cybersecurity, and we recommit to enhancing the security and resilience of our Nation's infrastructure while maintaining an environment that encourages efficiency and innovation.

Incredible advances in technology also bring increased risk of disruptive cyber incidents. My Administration is dedicated to building a system of protections in both the private and public sectors to keep out malicious forces while preserving the openness and extraordinary power of the Internet. Our national and economic security depend on a reliable digital infrastructure in the face of threats, which is why earlier this year, I signed an Executive Order and issued a Presidential Policy Directive to strengthen this critical infrastructure. In tandem, these actions will enable us to develop and implement a framework of best practices for cybersecurity, increase information sharing between the Federal Government and industry partners, and build collaborative partnerships.

All of us have a role to play in safeguarding the networks we use in our daily lives. Understanding the risks associated with being online can help secure personal information and prevent identity theft and fraud. The Department of Homeland Security's ''Stop.Think.Connect.'' campaign empowers digital citizens with the tools to make smart decisions as they navigate cyberspace. For more information on computing practices, visit www.DHS.gov/StopThinkConnect.

Our digital infrastructure is a strategic national asset, and my Administration is committed to strengthening this vital resource. As we mark the 10th anniversary of Cybersecurity Awareness Month, let us welcome the great possibilities cyberspace provides and continue to invest in the security measures and innovation that will enable us to safely and fully realize those possibilities.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2013 as National Cybersecurity Awareness Month. I call upon the people of the United States to recognize the importance of cybersecurity and to observe this month with activities, events, and training that will enhance our national security and resilience.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of September, in the year of our Lord two thousand thirteen, and of the Independence of the United States of America the two hundred and thirty-eighth.

[FR Doc. 2013–24383
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Presidential Documents

Proclamation 9030 of September 30, 2013

National Disability Employment Awareness Month, 2013

By the President of the United States of America

A Proclamation

Our Nation has always drawn its strength from the differences of our people, from a vast range of thought, experience, and ability. Every day, Americans with disabilities enrich our communities and businesses. They are leaders, entrepreneurs, and innovators, each with unique talents to contribute and points of view to express. During National Disability Employment Awareness Month, we nurture our culture of diversity and renew our commitment to building an American workforce that offers inclusion and opportunity for all.

Since the passage of the Americans with Disabilities Act, we have made great progress in removing barriers for hardworking Americans. Yet today, only 20 percent of Americans with disabilities, including veterans who became disabled while serving our country, participate in our labor force. We need their talent, dedication, and creativity, which is why my Administration proudly supports increased employment opportunities for people with disabilities. To that end, I remain dedicated to implementing Executive Order 13548, which called on Federal agencies to increase recruitment, hiring, and retention of people with disabilities. As a result of our efforts, the Federal Government is hiring people with disabilities at a higher rate than at any point in over three decades. Most recently, we updated the rules to make sure Federal contractors and subcontractors are doing more to recruit, hire, and promote qualified individuals with disabilities, including disabled veterans. And thanks to the Affordable Care Act, States are taking advantage of new options to support and expand home and community-based services.

In the years to come, I will remain committed to ensuring the Federal Government leads by example. This year, as we mark the 40th anniversary of the Rehabilitation Act, I will continue to marshal the full resources of my Administration toward effective and comprehensive implementation.

If we swing wide the doors of opportunity for our family, friends, and neighbors with disabilities, all of us will enjoy the benefits of their professional contributions. This month, let us uphold the ideals of equal access, equal opportunity, and a level playing field for all Americans.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2013 as National Disability Employment Awareness Month. I urge all Americans to embrace the talents and skills that individuals with disabilities bring to our workplaces and communities and to promote the right to equal employment opportunity for all people.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of September, in the year of our Lord two thousand thirteen, and of the Independence of the United States of America the two hundred and thirty-eighth.

[FR Doc. 2013–24384
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Presidential Documents

Proclamation 9031 of September 30, 2013

National Domestic Violence Awareness Month, 2013

By the President of the United States of America

A Proclamation

Since the passage of the Violence Against Women Act (VAWA) nearly 20 years ago, our Nation's response to domestic violence has greatly improved. What was too often seen as a private matter best hidden behind closed doors is now an established issue of national concern. We have changed our laws, transformed our culture, and improved support services for survivors. We have seen a significant drop in domestic violence homicides and improved training for police, prosecutors, and advocates. Yet we must do more to provide protection and justice for survivors and to prevent violence from occurring. During National Domestic Violence Awareness Month, we stand with domestic abuse survivors, celebrate our Nation's progress in combatting these despicable crimes, and resolve to carry on until domestic violence is no more.

Although we have made substantial progress in reducing domestic violence, one in four women and one in seven men in the United States still suffer serious physical violence at the hands of an intimate partner at least once during their lifetimes. Every day, three women lose their lives in this country as a result of domestic violence. Millions of Americans live in daily, silent fear within their own homes.

My Administration remains devoted to halting this devastating violence. To lead by example, last year I directed Federal agencies to develop policies to assist victims of domestic violence in the Federal workforce. Earlier this year, Vice President Biden announced new grants for initiatives that aim to reduce domestic violence homicides across our country.

This past spring, I signed the Violence Against Women Reauthorization Act. The Act provides law enforcement with better resources to investigate cases of rape, gives colleges more tools to educate students about dating violence and sexual assault, and empowers tribal courts to prosecute those who commit domestic violence on tribal lands, regardless of whether the aggressor is a member of the tribe. In addition, VAWA will continue to allow relief for immigrant victims of domestic violence, and LGBT victims will receive care and assistance.

Thanks to the landmark Affordable Care Act, insurance companies will be prohibited from denying coverage because of pre-existing conditions, and new health plans must cover domestic violence screening and counseling with no copayments or cost sharing. Millions will have the chance to sign up for affordable care through the new Health Insurance Marketplace by visiting www.HealthCare.gov beginning October 1.

Ending violence in the home is a national imperative that requires vigilance and dedication from every sector of our society. We must continue to stand alongside advocates, victim service providers, law enforcement, and our criminal justice system as they hold offenders accountable and provide care and support to survivors. But our efforts must extend beyond the criminal justice system to include housing and economic advocacy for survivors. We must work with young people to stop violence before it starts. We must also reach out to friends and loved ones who have suffered from domestic violence, and we must tell them they are not alone. I encourage

victims, their loved ones, and concerned citizens to learn more by calling the National Domestic Violence Hotline at 1–800–799–SAFE, or by visiting www.TheHotline.org.

This October, let us honor National Domestic Violence Awareness Month by promoting peace in our own families, homes, and communities. Let us renew our commitment to end domestic violence—in every city, every town, and every corner of America.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2013 as National Domestic Violence Awareness Month. I call on all Americans to speak out against domestic violence and support local efforts to assist victims of these crimes in finding the help and healing they need.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of September, in the year of our Lord two thousand thirteen, and of the Independence of the United States of America the two hundred and thirty-eighth.

[FR Doc. 2013–24385
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Presidential Documents

Proclamation 9032 of September 30, 2013

National Energy Action Month, 2013

By the President of the United States of America

A Proclamation

To meet the challenges of the 21st century, we must work to ensure a clean, safe, and sustainable energy future. This National Energy Action Month, we can build on the progress we have made by recommitting to increasing our energy security, strengthening our economy, combatting climate change, and improving the environment.

As a Nation, we are taking control of our energy future, and my Administration remains committed to our long-term energy security. Today, we produce more oil than we have in 15 years and import less oil than we have in 20 years. Since I took office, we have more than doubled the amount of renewable electricity we generate from wind and quintupled the amount we generate from solar energy. We are building our first new nuclear power plants in decades, and we produce more natural gas than any other country. And we have done this while creating hundreds of thousands of good jobs and sending less carbon pollution into the environment than we have in nearly two decades.

While we have made significant progress, more work remains. The continuing cycle of spiking gasoline prices hurts American families and our businesses' bottom lines, and it reflects our economy's outsized demand for oil. To transition to a secure energy future, we must increase our production of clean energy, minimize waste and maximize efficiency, further reduce our oil imports, eliminate inefficient fossil fuel subsidies, and continue to develop more energy sources here at home. Because meeting global energy challenges requires international action, we must also engage with partners around the world to reduce carbon pollution, and we must build global markets for new advanced technologies. If we take these actions, we can curb climate change, save money for consumers, and use our resources to create good American jobs.

A clean energy economy has the potential to fuel economic growth for decades to come. But we must invest in the technologies of the future and fund breakthrough research to make these technologies better and cheaper. With the American spirit of innovation powering our progress, our Nation can lead the world in creating green jobs and technologies that are vital to both a clean energy future and the fight against climate change.

Years from now, our children may wonder if we did all we could to leave a safe, clean, and stable world for them to inherit. If we keep our eyes on the long arc of our future and commit to doing what this moment demands, the answer will be yes.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2013 as National Energy Action Month. I call upon the citizens of the United States to recognize this month by working together to achieve greater energy security, a more robust economy, and a healthier environment for our children.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of September, in the year of our Lord two thousand thirteen, and of the Independence of the United States of America the two hundred and thirty-eighth.

[FR Doc. 2013–24386
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Presidential Documents

Proclamation 9033 of September 30, 2013

National Substance Abuse Prevention Month, 2013

By the President of the United States of America

A Proclamation

Today, too many Americans face futures limited by substance use, which threatens health, safety, and academic performance. Substance use disorders are linked to crime, motor vehicle crashes, and fatalities. This month, we recognize substance abuse prevention programs across our country, and we do our part to build healthier neighborhoods and brighter futures.

This year's theme, ''Learn it! Live it!'' encourages Americans to come together, learn how substance use affects our communities, and live to set a positive example for our families, friends, and neighbors. My Administration's *National Drug Control Strategy* begins with a commitment to stop drug use before it begins. We have expanded evidence-based national and community-focused programs that work to prevent substance use where young people learn, grow, and play. We support substance-free workplaces, and we provide information on effective strategies to parents and communities nationwide. Through the Affordable Care Act, we expanded substance use disorder and mental health benefits for more than 60 million Americans. And beginning this month, those who have been locked out of health insurance can sign up for affordable coverage by visiting www.HealthCare.gov.

Because adult role models play an integral role in preventing youth substance abuse, we must lead by example, adopt positive behaviors, and talk to our kids about living substance-free. This month, we stand with local coalitions and community organizations as they advance their drive to keep young people, families, and neighborhoods free from drug and alcohol abuse. I encourage parents, schools, health officials, law enforcement professionals, faith-based organizations, workplaces, the recovery community, and all Americans to join in this effort. If we take up the mantle of healthy lifestyles together, we can help our children avoid the devastating consequences of substance abuse and give them the chance to explore their limitless potential.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2013 as National Substance Abuse Prevention Month. I call upon all Americans to engage in appropriate programs and activities to promote comprehensive substance abuse prevention efforts within their communities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of September, in the year of our Lord two thousand thirteen, and of the Independence of the United States of America the two hundred and thirty-eighth.

[FR Doc. 2013–24387
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Presidential Documents

Executive Order 13652 of September 30, 2013

Continuance Of Certain Federal Advisory Committees

By the authority vested in me as President, by the Constitution and the laws of the United States of America, and consistent with the provisions of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), it is hereby ordered as follows:

Section 1. Each advisory committee listed below is continued until September 30, 2015.

(a) Committee for the Preservation of the White House; Executive Order 11145, as amended (Department of the Interior).

(b) President's Commission on White House Fellowships; Executive Order 11183, as amended (Office of Personnel Management).

(c) President's Committee on the National Medal of Science; Executive Order 11287, as amended (National Science Foundation).

(d) Federal Advisory Council on Occupational Safety and Health; Executive Order 11612, as amended (Department of Labor).

(e) President's Export Council; Executive Order 12131, as amended (Department of Commerce).

(f) President's Committee on the International Labor Organization; Executive Order 12216, as amended (Department of Labor).

(g) President's Committee on the Arts and the Humanities; Executive Order 12367, as amended (National Endowment for the Arts).

(h) President's National Security Telecommunications Advisory Committee; Executive Order 12382, as amended (Department of Homeland Security).

(i) National Industrial Security Program Policy Advisory Committee; Executive Order 12829, as amended (National Archives and Records Administration).

(j) Trade and Environment Policy Advisory Committee; Executive Order 12905, as amended (Office of the United States Trade Representative).

(k) President's Committee for People with Intellectual Disabilities; Executive Order 12994, as amended (Department of Health and Human Services).

(l) National Infrastructure Advisory Council; Executive Order 13231, as amended (Department of Homeland Security).

(m) President's Council on Fitness, Sports, and Nutrition; Executive Order 13265, as amended (Department of Health and Human Services).

(n) President's Advisory Council on Faith-Based and Neighborhood Partnerships; Executive Order 13498, re-established by Executive Order 13569, and continued by Executive Order 13640 (Department of Health and Human Services).

(o) President's Advisory Commission on Asian Americans and Pacific Islanders; Executive Order 13515, as amended (Department of Education).

(p) Presidential Commission for the Study of Bioethical Issues; Executive Order 13521 (Department of Health and Human Services).

(q) National Council on Federal Labor-Management Relations; Executive Order 13522 (Office of Personnel Management).

(r) President's Board of Advisors on Historically Black Colleges and Universities; Executive Order 13532, as amended (Department of Education).

(s) President's Management Advisory Board; Executive Order 13538 (General Services Administration).

(t) President's Council of Advisors on Science and Technology; Executive Order 13539, as amended (Department of Energy).

(u) Interagency Task Force on Veterans Small Business Development; Executive Order 13540 (Small Business Administration).

(v) Advisory Group on Prevention, Health Promotion, and Integrative and Public Health; Executive Order 13544, re-established by Executive Order 13631 (Department of Health and Human Services).

(w) State, Local, Tribal, and Private Sector (SLTPS) Policy Advisory Committee; Executive Order 13549, as amended (National Archives and Records Administration).

(x) President's Advisory Commission on Educational Excellence for Hispanics; Executive Order 13555, re-established by Executive Order 13634 (Department of Education).

(y) President's Global Development Council; Executive Order 13600 (United States Agency for International Development).

(z) President's Advisory Commission on Educational Excellence for African Americans; Executive Order 13621 (Department of Education).

Sec. 2. Notwithstanding the provisions of any other Executive Order, the functions of the President under the Federal Advisory Committee Act that are applicable to the committees listed in section 1 of this order shall be performed by the head of the department or agency designated after each committee, in accordance with the regulations, guidelines, and procedures established by the Administrator of General Services.

Sec. 3. Sections 1 and 2 of Executive Order 13585 of September 30, 2011, and sections 1, 2, and 4 of Executive Order 13591 of November 23, 2011, are superseded by sections 1 and 2 of this order.

Sec. 4. Executive Order 13538 of April 19, 2010, is amended in section 4(c) by striking ''The Executive Director shall serve as the Designated Federal Officer in accordance with the Federal Advisory Committee Act, as amended (5 U.S.C. App.) (FACA)'' and inserting in lieu thereof ''The PMAB shall also have a Designated Federal Officer (DFO) in accordance with the Federal Advisory Committee Act, as amended (5 U.S.C. App.) (FACA). The Executive Director may serve as the DFO''.

Sec. 5. Executive Order 13043 of April 16, 1997, is amended by striking section 4 and renumbering the subsequent sections appropriately.

Sec. 6. Executive Order 13231 of October 16, 2001, as amended, is further amended by striking section 3, except subsection (c) thereof, and inserting immediately preceding subsection (c), the following:

''*Sec. 3. The National Infrastructure Advisory Council.* The National Infrastructure Advisory Council (NIAC), established on October 16, 2001, shall provide the President, through the Secretary of Homeland Security, with advice on the security and resilience of the critical infrastructure sectors and their functional systems, physical assets, and cyber networks.

''(a) *Membership.* The NIAC shall be composed of not more than 30 members appointed by the President, taking appropriate account of the benefits of having members:

''(i) from the private sector, including individuals with experience in banking and finance, transportation, energy, water, communications, health care services, food and agriculture, government facilities, emergency services organizations, institutions of higher education, environmental and climate resilience, and State, local, and tribal governments;

''(ii) with senior executive leadership responsibilities for the availability and reliability, including security and resilience, of critical infrastructure sectors;

''(iii) with expertise relevant to the functions of the NIAC; and

''(iv) with experience equivalent to that of a chief executive of an organization.

''Unless otherwise determined by the President, no full-time officer or employee of the executive branch shall be appointed to serve as a member of the NIAC. The President shall designate from among the members of the NIAC a Chair and a Vice Chair, who shall perform the functions of the Chair if the Chair is absent or disabled, or in the instance of a vacancy in the Chair.

''(b) *Functions of the NIAC.* The NIAC shall meet periodically to:

''(i) enhance the partnership of the public and private sectors in securing and enhancing the security and resilience of critical infrastructure and their supporting functional systems, physical assets, and cyber networks, and provide reports on this issue to the President, through the Secretary of Homeland Security, as appropriate;

''(ii) propose and develop ways to encourage private industry to perform periodic risk assessments and implement risk-reduction programs;

''(iii) monitor the development and operations of critical infrastructure sector coordinating councils and their information-sharing mechanisms and provide recommendations to the President, through the Secretary of Homeland Security, on how these organizations can best foster improved cooperation among the sectors, the Department of Homeland Security, and other Federal Government entities;

''(iv) report to the President through the Secretary of Homeland Security, who shall ensure appropriate coordination with the Assistant to the President for Homeland Security and Counterterrorism, the Assistant to the President for Economic Policy, and the Assistant to the President for National Security Affairs under the terms of this order; and

''(v) advise sector-specific agencies with critical infrastructure responsibilities to include issues pertaining to sector and government coordinating councils and their information sharing mechanisms.

''In implementing this order, the NIAC shall not advise or otherwise act on matters pertaining to National Security and Emergency Preparedness (NS/EP) Communications and, with respect to any matters to which the NIAC is authorized by this order to provide advice or otherwise act on that may depend on or affect NS/EP Communications, shall coordinate with the National Security and Telecommunications Advisory Committee established by Executive Order 12382 of September 13, 1982, as amended.''.

Sec. 7. Executive Order 13600 of February 9, 2012, is amended in section 3(b) by striking the ''and'' immediately preceding ''the Chief Executive Officer of the Millennium Challenge Corporation'' and by adding '', the United States Trade Representative, and the Chief Executive Officer of the Overseas Private Investment Corporation'' immediately preceding ''shall serve as nonvoting members''. Executive Order 13600 is further amended in section 5(c) by adding ''administrative'' immediately preceding ''matters and activities pertaining''.

Sec. 8. Section 3(b) of Executive Order 13515 of October 14, 2009, as amended, is further amended by inserting in the list of agency members ''the General Services Administration'' and ''the National Aeronautics and Space Administration'' after ''the Small Business Administration'', and redesignating the subsections of section 3(b) as appropriate. Subsection 3(b) is further amended by inserting at the end the following sentence:

''The Initiative is encouraged to invite other affected agencies, such as the Consumer Financial Protection Bureau, the Corporation for National and Community Service, the Equal Employment Opportunity Commission, and the Federal Communications Commission to attend meetings and participate in the Initiative as appropriate.''.

Sec. 9. This order shall be effective September 30, 2013.

THE WHITE HOUSE,
September 30, 2013.

[FR Doc. 2013–24388
Filed 10–3–13; 8:45 am]
Billing code 3295–F4

Rules and Regulations

Federal Register

Vol. 78, No. 193

Friday, October 4, 2013

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 229

[Docket No. 130703586–3834–02]

RIN 0648–BD43

Taking of Marine Mammals Incidental to Commercial Fishing Operations; Harbor Porpoise Take Reduction Plan Regulations

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to amend the regulations implementing the Harbor Porpoise Take Reduction Plan (Plan). This rule revises the Plan by eliminating the consequence closure strategy enacted in 2010, based on deliberations by the Harbor Porpoise Take Reduction Team (Team). This action is necessary to prevent the improper triggering of consequence closure areas based on target harbor porpoise bycatch rates that no longer accurately reflect actual bycatch in New England sink gillnets due to fishery-wide changes in fishing practices.

DATES: Effective September 30, 2013.

ADDRESSES: Copies of the final Environmental Assessment (EA) for this action, as well as the Harbor Porpoise Take Reduction Team meeting summaries and supporting documents, may be obtained from the Plan Web site (*http://www.nero.noaa.gov/hptrp*) or by writing to Kate Swails, NMFS, Northeast Region, Protected Resources Division, 55 Great Republic Drive, Gloucester, MA 01930.

FOR FURTHER INFORMATION CONTACT: Kate Swails, NMFS, Northeast Region, 978–282–8482, *Kate.Swails@noaa.gov;* Kristy Long, NMFS Office of Protected Resources, 301–427–8440, *Kristy.Long@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Harbor Porpoise Take Reduction Plan (Plan) was implemented in late 1998 pursuant to section 118(f) of the Marine Mammal Protection Act (MMPA) to reduce the level of serious injury and mortality of the Gulf of Maine/Bay of Fundy (GOM/BOF) stock of harbor porpoises (63 FR 66464, December 2, 1998). NMFS amended the Plan in 2010 (75 FR 7383, February 19, 2010) to address increased mortalities of harbor porpoises in New England and Mid-Atlantic commercial gillnet fisheries due to non-compliance with the Plan requirements and observed interactions occurring outside of existing management areas.

The 2010 amendments, based largely on consensus recommendations from the Team, included the expansion of seasonal and temporal requirements within the Plan's management areas, the incorporation of additional management areas, and the creation of a consequence closure strategy in which the use of gillnet gear would be prohibited in three closure areas off the coast of New England if target rates of harbor porpoise bycatch were exceeded.

Detailed background information on the development of the consequence closure strategy was provided in the proposed rule (78 FR 52753, August 26, 2013) for this action and is not repeated here.

Consequence Closure Area Monitoring

Consequence closure area monitoring began with the start of the first full management season after implementation of the 2010 amendments. The first monitoring season occurred from September 15, 2010, through May 31, 2011, and the second occurred from September 15, 2011, through May 31, 2012. During this time, the two-year average observed harbor porpoise bycatch rate for the areas associated with the Coastal Gulf of Maine Closure Area exceeded the target bycatch rate, triggering the implementation of the Coastal Gulf of Maine Closure Area (Figure 1). During management seasons two and three (September 15, 2011, through May 31, 2012, and September 15, 2012, through May 31, 2013, respectively), preliminary analysis of the raw observed bycatch data indicated that the two-year average observed harbor porpoise bycatch rate for the area associated with the Cape Cod South Expansion and Eastern Cape Cod Closure Areas appeared to exceed the target bycatch rate, which would have triggered the implementation of these two closures beginning February 1, 2014.

BILLING CODE 3510–22–P

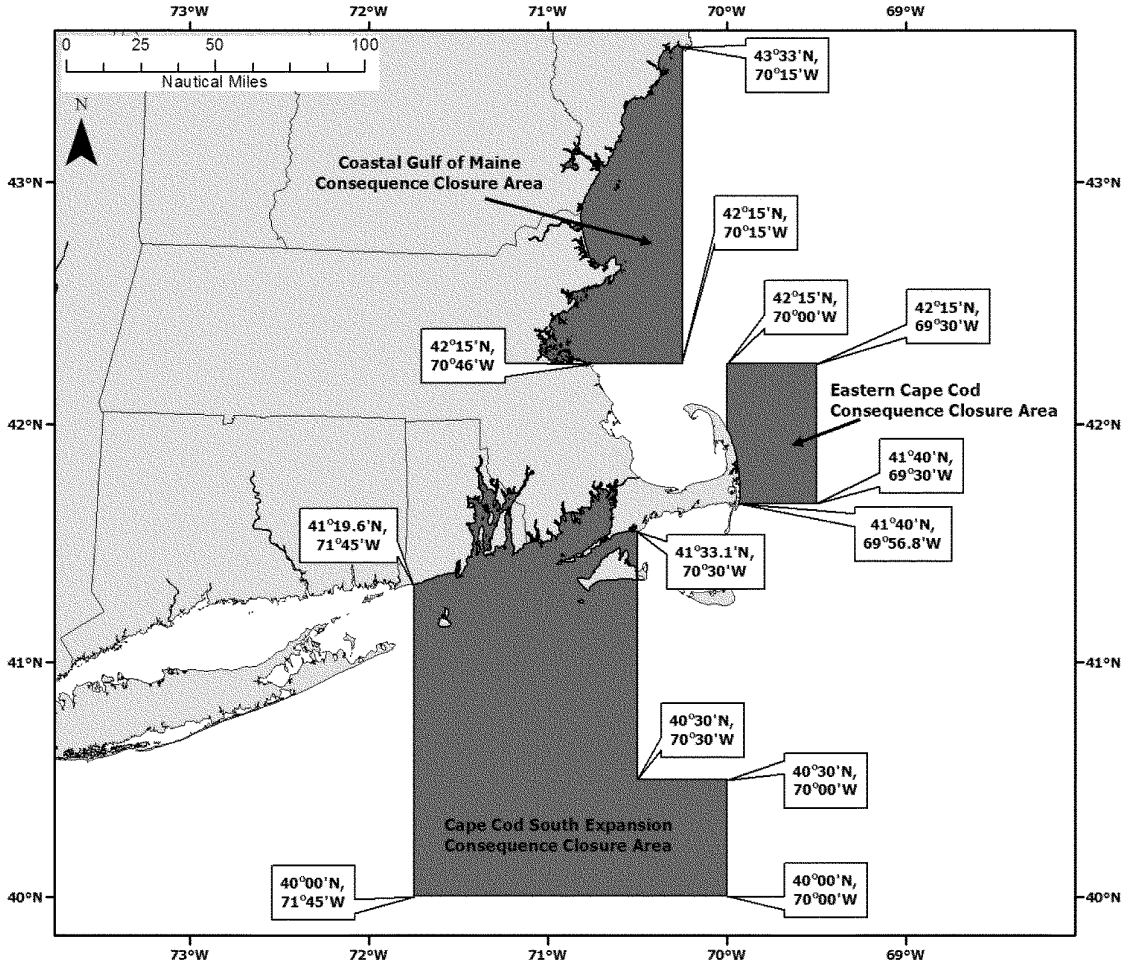

Figure 1. Harbor Porpoise Take Reduction Plan Consequence Closure Areas

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Identifying a Need for Modifying the Plan

The consequence closure target bycatch rates were based on the number of observed harbor porpoises caught per metric tons of fish landed between 1999 and 2007 within the areas subject to a closure. Since the advent of sectors, the overall fishing effort generally remained the same and the number of harbor porpoise caught actually decreased and is below the stock's potential biological removal (PBR) level (Table 1). However, because fish landings also decreased, the observed bycatch rates increased above the closure area target bycatch rates resulting in the triggering of the closures. As stated previously, the bycatch rate trigger was intended to function such that the triggering of it meant that the overall bycatch of harbor porpoise was above PBR. Given the overall reductions in fish landings, however, this calculation no longer holds true.

Preliminary data indicate that the annual 2010–2012 harbor porpoise bycatch estimates are below PBR, and that the 5-year average incorporating the most recent data from 2011–2012 is also below PBR.

TABLE 1—RECENT HARBOR PORPOISE POPULATION ABUNDANCE, PBR, AND BYCATCH ESTIMATES

Year	2009 [1]	2010 [2]	2011 [3]	2012 [3]
Population Abundance (coefficient of variance)	89,054 (CV = 0.47)	79,883 (CV = 0.32)	79,883 (CV = 0.32)	79,883 (CV = 0.32)
Potential Biological Removal Level	701	706	706	706
Annual U.S. Gillnet Bycatch Estimate	792	646	396	340
5-Year Average U.S. Gillnet Bycatch Estimate	877	786	671	630

[1] Waring *et al.* 2012.
[2] Waring *et al.* 2013.
[3] C.D. Orphanides, personal communication, September 16, 2013.

NMFS convened the Team to discuss potential amendments to the Plan in November 2012, February 2013, April 2013 (workgroup), May 2013, and June 2013. During those meetings, the Team discussed the appropriateness of the consequence closure strategy and discussed potential replacement management measures.

At the May 2013 meeting, the Team agreed that the consequence area target bycatch rates no longer accurately reflect compliant bycatch rates in New England. At the conclusion of the May 2013 meeting, the Team did not agree on whether a replacement was needed for the consequence strategy or what that replacement might be. However, a majority of the Team recommended eliminating the current consequence closure strategy from the Plan and continuing Team discussions on what other actions should be taken in lieu of the consequence closure to ensure compliance with the pinger requirements and achieve MMPA goals. The Team also recommended that NMFS modify the Plan's *Other Special Measures* provision, found at § 229.32(f), to require a consultation with the Team before action is taken to amend the Plan using this provision. Any input received by Team members would be considered before exercising the *Other Special Measures* provision of the Plan. These recommendations formed the basis of this final rule.

At its June 2013 meeting, the Team continued discussions on what other actions should be taken to ensure compliance with pinger requirements. In particular, the Team discussed increasing enforcement efforts to ensure compliance with pinger requirements in New England. Based on the Team's recommendation, as a mechanism for increasing compliance with pinger requirements in New England, NMFS will examine data collected by fisheries observers regarding pingers on observed hauls, and will provide those data to NOAA's Office of Law Enforcement (OLE). To facilitate enforcement efforts, those data will include the time and area of fishing activity of observed gillnet vessels along with other relevant information, including vessel homeport, registration number, etc. NMFS will work with OLE to evaluate any potential enforcement efforts, which may include at-sea operations in collaboration with state joint enforcement agreement partners and the U.S. Coast Guard as well as dockside activities. If as a result of these increased monitoring and enforcement efforts NMFS determines that bycatch is exceeding the PBR level, the Assistant Administrator for Fisheries (after consulting with the Team) may take action to address the situation.

NMFS will continue working with the Team to consider what additional management measures may be necessary to ensure compliance with the pinger requirements. Thus far, NMFS and the Team have formed Monitoring and Enforcement Workgroups to facilitate these discussions.

Comments and Responses

NMFS published the proposed rule amending the Plan in the **Federal Register** on August 26, 2013 (78 FR 52753). Upon its publication, NMFS issued a press email announcing the rule; posted the proposed rule on the Plan Web site; and notified affected fishermen and interested parties via several NMFS email distribution outlets. The publication of the proposed rule was followed by a 15-day public comment period, which ended on September 10, 2013. NMFS received seven comments via facsimile, letter, or electronic submission. All comments received were thoroughly reviewed by NMFS. The comments addressed several topics, such as Team deliberations, bycatch reduction goals, and the *Other Special Measures* provision of the Plan. The comments received are summarized below, followed by NMFS's responses.

Length of Comment Period

Comment 1: Two commenters requested an extension of the 15-day comment period.

Response: NMFS believes that the length of the 15-day comment period was adequate given the simplicity of the analysis support the proposed rule. This action seeks to remove an inappropriately triggered fishing closure that was based on an obsolete trigger to prevent unnecessary economic impacts from occurring prior to the closure's start on October 1, 2013. A 15-day period provides both an adequate length of time for comment and allowed an expedient implementation of this final rule.

Economic Impacts of Closure

Comment 2: One commenter described how the closure in Southern New England would negatively affect winter income. This commenter stated changes in the groundfish fishery accompanied by a high fuel cost and lower fish prices have reduced overall effort and gear in the water.

Response: Although NMFS has not formally closed the Eastern Cape Cod and Cape Cod South Consequence Closure Areas, NMFS agrees that such a closure would result in a negative economic impact from the inappropriate triggering of the consequence closure areas within the Southern New England Management Area.

Support for Elimination of the Consequence Closure Strategy

Comment 3: Two commenters supported eliminating the existing consequence closure strategy while continuing Team deliberations to further revise the Plan. Both noted that flaws in the strategy had been identified by the fishing industry and the Team, yet the closures had been recently triggered despite positive signs in harbor porpoise population trends.

Response: NMFS agrees with both the need to remove the consequence closure strategy from the Plan and the goal to continue Team discussions of alternative management options.

Use of Other Special Measures

Comment 4: Three commenters supported the use of the *Other Special Measures* provision in consultation with the Team to modify the Plan. All noted that this provision provides NMFS flexibility to modify the Plan in a timely fashion should the need arise.

Response: NMFS agrees with these comments regarding the need for Team input should issues regarding the use of the *Other Special Measures* provision of the Plan arise and has amended that provision in this final rule.

Modification of the Consequence Closure Strategy

Comment 5: One commenter stated that the justification for the consequence closure strategy still exists, and rather than eliminating it NMFS, should consider modifying it. The commenter noted that the Team agreed that the existing closure boundaries and time frames were appropriate and perhaps the trigger should be modified.

Response: The notion of keeping the current consequence strategy boundaries and time frames intact, but developing a revised trigger for the consequence closure strategy was discussed by the Team at multiple meetings in 2013. However, the current action to remove the consequence closure strategy in its entirety was chosen because the Team could not develop a viable alternative during its deliberations. NMFS and the Team will continue to discuss the efficacy of the consequence strategy, including discussions concerning closure triggers.

Comment 6: One commenter was concerned that there is a lack of a consequence measure in the mid-Atlantic. If bycatch levels in the mid-Atlantic region increase or hinder progress in achieving the Plan's zero

mortality rate goal, it could trigger consequence closures in New England that would affect New England fishermen rather than those in the mid-Atlantic that prompted the closures.

Response: The lack of consequence measures in the mid-Atlantic region was discussed during the Team's 2013 deliberations, but no clear measure emerged from the discussions. NMFS acknowledges the concerns of the commenter and suggests that removing the current consequence closure strategy serves to prevent such a scenario from occurring in the short-term. In the long-term, NMFS and the Team will continue to closely monitor harbor porpoise bycatch in all fisheries throughout the species' range.

Comment 7: One commenter stated that the consequence closure strategy should be retained due to chronic non-compliance and fluctuating harbor porpoise mortality levels. The commenter referred to an earlier NMFS decision to shift the consequence closure from fall 2012 to winter 2103 suggesting that the increase in mortality that occurred after the shift indicates that eliminating a consequence closure encourages non-compliance.

Response: Harbor porpoise bycatch in U.S. gillnet fisheries has been reduced from an estimated 646 porpoises in 2010 to an estimated 340 porpoises in 2012, well below the stock's PBR level of 706 porpoises. NMFS believes that continuing with the current consequence closure strategy that is based on an obsolete trigger will create an unnecessary economic burden while resulting in a limited conservation gain. To address poor levels of pinger compliance, NMFS is increasing its enforcement effort. NMFS will continue to monitor both harbor porpoise bycatch and Plan compliance data to ensure that these continue on their current trends.

Zero Mortality Rate Goal

Comment 8: One commenter stated that the ultimate mandate of any proposed measure must be to achieve the zero mortality rate goal (ZMRG), and that success in reducing bycatch to below the PBR level, an interim goal, is not a sufficient reason to disregard the consequence closure strategy. Instead this commenter suggested that the strategy trigger be replaced with PBR-based triggers that would decrease bycatch in a stepwise fashion towards the ultimate goal of ZMRG. Another commenter expressed similar views and stated support for a ratcheting approach based on mortality estimates that would allow the agency to achieve its statutory mandates.

Response: NMFS acknowledges that there may be alternatives to the consequence closure strategy and these should continue to be explored by the Team. However, since no clear consensus alternative arose during Team meetings in 2013, NMFS is removing the consequence closure strategy and will continue to discuss the efficacy of some form of consequence strategy with the Team. NMFS and the Team have formed Monitoring and Enforcement Work Groups to facilitate these discussions.

Comment 9: One commenter stated that U.S. fisheries have not reached the 2001 MMPA goal of reaching ZMRG level (10% of PBR) for harbor porpoise, yet the Agency proposes to eliminate key conservation protections without substituting any substantive measures to ensure further mortality declines towards ZMRG.

Response: NMFS acknowledges that the Plan has not reached ZMRG. However, harbor porpoise bycatch in U.S. gillnet fisheries is declining significantly below the PBR level of 706 porpoises to an estimated 340 porpoises per year in 2012. In addition, the consequence closure was implemented as a backstop management measure to encourage compliance with Plan pinger requirements. The consequence closure strategy was not developed as a means for reducing harbor porpoise bycatch to reach ZMRG.

Comment 10: One commenter stated that NMFS proposes to rely on enforcement to increase compliance, but did not think this is an adequate substitute and will not reduce serious injury and mortality. The commenter referred to information presented to the Team showing that observers have documented individual vessels violating pinger requirements with no subsequent enforcement action taken. The commenter further stated that it is premature for the agency to assume it will be able to increase enforcement to an extent that will result in greater compliance.

Response: NMFS disagrees and is confident that the revised enforcement strategy developed in consultation with the Team will adequately improve compliance with pinger requirements. The revised strategy specifically focuses on pinger requirements under the Plan.

Comment 11: One commenter stated that the proposed rule and EA do not discuss the MMPA's ZMRG long-term goal or explain how the rule will ensure that bycatch levels remain below PBR.

Response: NMFS disagrees and notes that there has been significant progress toward meeting the Plan's MMPA goals. Harbor porpoise bycatch has been significantly reduced below the stock's PBR level and NMFS believes that current monitoring and law enforcement efforts will continue to ensure the effectiveness of the Plan in further reducing harbor porpoise bycatch.

Objection to Characterization of TRT Meeting

Comment 12: One commenter objected to language in the proposed rule stating that a majority of the Team recommended eliminating the current consequence closure strategy from the Plan, and continuing Team discussions on what other actions should be taken in lieu of the consequence closure to ensure compliance with pinger requirements. The commenter believes this statement mischaracterizes the Team's deliberations, and that it is inappropriate to suggest that a majority of the Team support a measure unless that supports reflects a majority of all members of the Team. The commenter stated that during the meeting several members left prior to the Team's deliberation on NMFS' proposal to remove the consequence closure strategy.

Response: The statement that a majority of Team members voted in favor of the current action is an accurate characterization of the events of the TRT meeting. A quorum was present at the May 2013 meeting during which the vote occurred, even though members who left the meeting before the end missed their opportunity to participate in the voting process. In addition, NMFS received no objections to the vote following the May 2013 meeting or during the June 2013 Team teleconference.

Comment 13: One commenter stated that it was inappropriate for NMFS to discuss in the rule only the elements and views on the NMFS proposal to remove the consequence closure strategy, but not the elements of the other proposals considered by the Team during its last meeting.

Response: During the Team meetings in 2013, no clearly-defined alternatives to the consequence closure strategy emerged from the Team nor were voted upon. If a clearly-defined alternative had emerged during those meetings, NMFS would have included it within the analyses supporting this action. NMFS is committed to continuing work with the Team to develop any additional take reduction measures to achieve Plan goals.

Concerns With Data Used to Assess Impact of Bycatch on Porpoises

Comment 14: One commenter stated that language in the EA asserts that the

expanded pinger requirements of the 2010 Plan amendments were successful and it is reasonable to assume that bycatch is likely to stay low, obviating the need for consequence closures. However, the commenter states that NMFS neglects to point out that it is the failure of the industry to use the correct complement of functional pingers that underlies the patterns of varying bycatch levels.

Response: NMFS agrees that current harbor porpoise bycatch reductions are largely due to the expansion of management measures implemented in the 2010 final rule amending the Plan. However, NMFS believes that changes in levels of compliance with pinger requirements resulted in fluctuating harbor porpoise bycatch levels. Concerns by both NMFS and the Team regarding pinger compliance have resulted in the revised law enforcement strategy discussed earlier.

Comment 15: One commenter stated that NMFS fails to account for all bycatch in the proposed rule and EA stating that the impacts of Canadian takes on the Gulf of Maine stock of harbor porpoise is not considered in the rule or EA. The commenter stated that a proper accounting of fishery takes relative to PBR must include mortalities from U.S. gillnet fisheries, other U.S. fisheries and Canadian fisheries that affect the same stock.

Response: NMFS disagrees with the statement that bycatch in Canadian fisheries is not accounted for. Annual marine mammal stock assessment reports published by the Northeast Fisheries Science Center include estimates of harbor porpoise bycatch in Canadian fisheries. However, the mandate of the Team and the Plan is to address harbor porpoise bycatch in U.S. commercial fisheries. Regarding harbor porpoises, this mandate primarily includes Northeast sink and mid-Atlantic gillnet fisheries.

NEPA Comments on the Draft Environmental Assessment

Comment 16: One commenter stated that NMFS failed to properly define the purpose and need in the EA. The commenter felt that the purpose and need was unreasonably narrow, leading to a narrow range of alternatives. The commenter suggested that NMFS narrowly defined the purpose and need in order to rationalize a pre-determined decision. The commenter asserted that NMFS should have focused its purpose and need on objectives and duties under the MMPA to conserve marine mammals and ensure bycatch rates achieve ZMRG.

Response: The purpose and need statement has been revised in the final EA to provide greater clarity, but NMFS disagrees with the commenter regarding the intended purpose of this action. Under NEPA, NMFS has the discretion to describe a proposed action's purpose and need in any way that meets our statutory authority. NMFS undertook the proposed action in response to information indicating that the consequence closures are not achieving their intended purpose as backstop measures to promote pinger compliance. Under current plan regulations, harbor porpoise bycatch is trending downward and declining well below the PBR level.

Comment 17: One commenter noted that NMFS only considers two options as alternatives in the EA, and stated that NMFS has failed to rigorously explore and objectively evaluate all reasonable alternatives.

Response: NEPA calls for agencies to evaluate all reasonable alternatives, which include those that may be reasonably carried out. However, the discussion of alternatives does not need to be exhaustive. When determining whether it was necessary to take this action, the Team and NMFS considered the best scientific information available. This information indicates that the consequence closures are not functioning properly and have been inappropriately triggered. Given the negative economic impacts of the inappropriately triggered consequence closures and the development of a law enforcement plan focused on improved pinger compliance, NMFS determined that it was necessary to consider taking immediate action to remove the closures. Including and assessing additional alternatives that do not address the need to act immediately would fail to meet the purpose and need of this action. NMFS will continue working with the Team to determine the best approach to developing any appropriate replacement measures to the consequence closure strategy.

Comment 18: One commenter stated that there were future actions and foreseeable impacts that had not been fully considered in the EA.

Response: The cumulative effects analysis of the final EA has been revised to address some of these concerns. This includes more detail regarding recent developments in wind energy and under the Spiny Dogfish Fishery Management Plan. However, the discussion of the Omnibus Habitat Amendment was not altered because the Amendment and its draft environmental impact statement remain under development at this time. Until the New England Fishery Management Council has finalized the range of alternatives and analyzed the environmental consequences of that action, the impacts are uncertain. Therefore, it is not possible to evaluate the potential impacts to harbor porpoise at this time.

Classification

The Office of Management and Budget (OMB) has determined that this action is not significant for the purposes of Executive Order 12866.

All of the entities (fishing vessels) affected by this action are considered small entities under the Small Business Administration (SBA) size standards for small fishing businesses. On June 20, 2013, the SBA issued a final rule revising the small business size standards for several industries effective July 22, 2013 (78 FR 37398). The rule increased the size standard for Finfish Fishing from $4.0 to $19.0 million, Shellfish Fishing from $4.0 to $5.0 million, and Other Marine Fishing from $4.0 to $7.0 million. NMFS has determined that the new size standards do not affect the analyses prepared for this action. The fisheries affected by this final rule are the Northeast sink gillnet and Mid-Atlantic gillnet fisheries. The population of vessels that are affected by this action includes commercial gillnet vessels fishing in state and federal waters from Maine to New York.

The Chief Counsel for Regulation of the Department of Commerce has certified to the Chief Counsel for Advocacy of the Small Business Administration that this final rule would not have a significant economic impact on a substantial number of small entities. Economic impacts for this action were evaluated as part of the 2009 EA that supported the most recent Plan amendments published as a final rule on February 19, 2010 (75 FR 7383). Although changes to the fishery have occurred since the final rule, this analysis is used to illustrate the difference in economic impacts between the preferred action and the status quo. Although overall commercial landings have changed since 2009, the number of vessels and level of overall fishing effort have remained relatively constant. Therefore, NMFS believes that these data provide a basis for concluding that this action, removing the consequence closures, will not have a significant impact on a substantial number of small entities.

The 2009 EA estimated economic impacts of the preferred alternative (which was adopted in the final rule) before and after triggering the three consequence closure areas. The EA estimated that triggering the three closures (now the status quo) would

impact 29.7% (290 vessels) of the total gillnet fleet. Revenues for the affected vessels were also estimated to be reduced by 2–28% ($2,600–$26,400) and 1–25% ($1,500–$15,300) for small (<40ft) and large (>40ft) vessels, respectively. By removing the regulations implementing these consequence closure areas from the Plan, this action would prevent this loss of revenue from occurring. As a result, an initial regulatory flexibility analysis is not required and has not been prepared.

This final rule waives the typical 30-day delayed effectiveness period and is effective immediately. The 30-day delay period of 5 U.S.C. 553(d) may be waived for good cause. The contents of this action serve to remove existing commercial fishing restrictions and to prevent negative economic impacts from otherwise occurring as the Coastal Gulf of Maine closure Area would have been effective beginning October 1, 2013. Delaying the effectiveness of this rule is contrary to the public interest, because any delay will prevent additional fishery activities, thereby reducing revenues, and provide no meaningful benefit to the harbor porpoise. Accordingly the 30-day delay in effectiveness is both unnecessary and contrary to the public interest, and this rule will become effective immediately.

References

Waring GT, Josephson E, Maze-Foley K, Rosel, PE, editors. 2012. U.S. Atlantic and Gulf of Mexico Marine Mammal Stock Assessments—2011. NOAA Tech Memo NMFS NE 221; 319 p.

Waring GT, Josephson E, Maze-Foley K, Rosel, PE, editors. 2013. U.S. Atlantic and Gulf of Mexico Marine Mammal Stock Assessments—2012. NOAA Tech Memo NMFS NE 223; 419 p.

List of Subjects in 50 CFR Part 229

Administrative practice and procedure, Confidential business information, Fisheries, Marine mammals, Reporting and recordkeeping requirements.

Dated: September 30, 2013.

Alan D. Risenhoover,

Director, Office of Sustainable Fisheries, performing the functions and duties of the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons stated in the preamble, 50 CFR part 229 is amended as follows:

PART 229—AUTHORIZATION FOR COMMERCIAL FISHERIES UNDER THE MARINE MAMMAL PROTECTION ACT OF 1972

■ 1. The authority citation for 50 CFR part 229 continues to read as follows:

Authority: 16 U.S.C. 1361 *et seq.*

■ 2. In § 229.33, paragraphs (a)(2)(iii), (a)(3)(iii), (a)(4)(iii), (a)(5)(iii), (a)(6)(iii), and (d) are removed and paragraph (f) is revised to read as follows:

§ 229.33 Harbor Porpoise Take Reduction Plan Implementing Regulations—Gulf of Maine.

* * * * *

(f) *Other special measures.* The Assistant Administrator may, after consultation with the Take Reduction Team, revise the requirements of this section through notification published in the **Federal Register** if:

(1) NMFS determines that pinger operating effectiveness in the commercial fishery is inadequate to reduce bycatch below the stock's PBR level.

(2) NMFS determines that the boundary or timing of a closed area is inappropriate, or that gear modifications (including pingers) are not reducing bycatch to below the PBR level.

* * * * *

[FR Doc. 2013–24278 Filed 9–30–13; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 121004515–3608–02]

RIN 0648–XC899

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Closure of the 2013 South Atlantic Commercial Sector for Red Snapper

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; closure.

SUMMARY: NMFS announces the closure of the 2013 commercial fishing season for red snapper in the exclusive economic zone (EEZ) of the South Atlantic through this temporary rule. Commercial landings for red snapper, as estimated by the Science and Research Director (SRD), are projected to reach the commercial annual catch limit (ACL) for red snapper on October 8, 2013. Therefore, NMFS closes the commercial sector for red snapper in the South Atlantic EEZ on October 8, 2013. This closure is necessary to protect the South Atlantic red snapper resource.

DATES: This closure is effective 12:01 a.m., local time, October 8, 2013, through December 31, 2013, the end of the fishing year.

FOR FURTHER INFORMATION CONTACT: Catherine Hayslip, telephone: 727–824–5305, email: *Catherine.Hayslip@noaa.gov.*

SUPPLEMENTARY INFORMATION: The snapper-grouper fishery of the South Atlantic, which includes red snapper, is managed under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). The FMP was prepared by the Council and is implemented through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

The 2013 commercial ACL for red snapper in the South Atlantic is 21,447 lb (9,728 kg), gutted weight. This ACL was determined using formulas contained in the final rule to implement Amendment 28 to the FMP (78 FR 44461, July 24, 2013).

Under 50 CFR 622.193(y)(1), NMFS is required to close the commercial sector for red snapper when the commercial ACL is reached, or is projected to be reached, by filing a notification to that effect with the Office of the Federal Register. NMFS opened the 2013 commercial sector at 12:01 a.m., local time, August 26, 2013 and monitored commercial harvest in-season. NMFS has determined that the commercial ACL for South Atlantic red snapper will have been reached by October 8, 2013. Accordingly, the commercial sector for South Atlantic red snapper is closed effective 12:01 a.m., local time, October 8, 2013, and remains closed until NMFS determines when a commercial season for red snapper may occur.

The operator of a vessel with a valid commercial vessel permit for South Atlantic snapper-grouper having red snapper onboard must have landed and bartered, traded, or sold such red snapper prior to 12:01 a.m., local time, October 8, 2013. During the closure, the harvest and possession and sale and purchase of red snapper in or from the South Atlantic EEZ are prohibited. The prohibition on sale or purchase does not apply to the sale or purchase of red snapper that were harvested, landed ashore, and sold prior to 12:01 a.m., local time, October 8, 2013, and were

held in cold storage by a dealer or processor.

For a person on board a vessel for which a Federal commercial or charter vessel/headboat permit for the South Atlantic snapper-grouper fishery has been issued, the sale and purchase provisions for commercial red snapper would apply regardless of whether the fish were harvested in state or Federal waters, as specified in 50 CFR 622.190(y)(1). Additionally, the recreational fishing season for red snapper is closed.

In 2014, the total removals (landings and dead discards) for 2013 will be compared to the 2013 ABC to determine if the 2013 ABC was exceeded and thus whether limited commercial and recreational fishing seasons for red snapper can occur in 2014. If NMFS determines that limited commercial and recreational red snapper seasons can occur in 2014, NMFS will file a notification with the Office of the Federal Register to announce the opening dates of any commercial and recreational fishing seasons in 2014. A commercial fishing season would begin on the second Monday in July, and a recreational fishing season, consisting of weekends only (Fridays, Saturdays, and Sundays) would begin on the second Friday in July.

Classification

The Regional Administrator, Southeast Region, NMFS has determined this temporary rule is necessary for the conservation and management of South Atlantic red snapper and is consistent with the FMP, the Magnuson-Stevens Act, and other applicable laws.

This action is taken under 50 CFR 622.193(y)(1) and is exempt from review under Executive Order 12866.

These measures are exempt from the procedures of the Regulatory Flexibility Act because the temporary rule is issued without opportunity for prior notice and public comment.

This action responds to the best available scientific information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, (AA), finds that the need to immediately implement this action to close the commercial sector for red snapper constitutes good cause to waive the requirements to provide prior notice and opportunity for public comment pursuant to the authority set forth in 5 U.S.C. 553(b)(B), as such procedures would be unnecessary and contrary to the public interest. Such procedures would be unnecessary because the rule itself has been subject to notice and comment, and all that remains is to notify the public of the closure.

Allowing prior notice and opportunity for public comment is contrary to the public interest because of the need to immediately implement this action to protect red snapper since the capacity of the fishing fleet allows for rapid harvest of the commercial ACL. Prior notice and opportunity for public comment would require time and would potentially result in a harvest well in excess of the established commercial ACL.

For the aforementioned reasons, the AA also finds good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

Authority: 16 U.S.C. 1801 *et seq.*

Dated: October 1, 2013.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, performing the functions and duties of the Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 2013–24360 Filed 10–3–13; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 121004518–3398–01]

RIN 0648–XC669

Reef Fish Fishery of the Gulf of Mexico; 2013 Recreational Accountability Measure and Closure for Gray Triggerfish in the Gulf of Mexico

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; closure.

SUMMARY: NMFS implements an accountability measure (AM) for recreational gray triggerfish in the Gulf of Mexico (Gulf) reef fish fishery for the 2013 fishing year through this temporary final rule. Based on the projected recreational landings, NMFS determined that the recreational annual catch target (ACT) for Gulf gray triggerfish was reached in August 2013. Therefore, NMFS closes the recreational sector for gray triggerfish in the Gulf EEZ at 12:01 a.m., local time, October 15, 2013, until January 1, 2014. This closure is necessary to reduce overfishing of the Gulf gray triggerfish resource.

DATES: This rule is effective 12:01 a.m., local time on October 15, 2013, until 12:01 a.m., local time on January 1, 2014, unless changed by subsequent notification in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Rich Malinowski, Southeast Regional Office, telephone 727–824–5305, email *rich.malinowski@noaa.gov.*

SUPPLEMENTARY INFORMATION: The reef fish fishery of the Gulf, which includes gray triggerfish, is managed under the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). The FMP was prepared by the Council and is implemented through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

On May 9, 2013, the final rule for Amendment 37 to the FMP implemented the Gulf gray triggerfish recreational annual catch limit (ACL) of 241,200 lb (109,406 kg), round weight, and the recreational ACT of 217,100 lb (98,475 kg), round weight (78 FR 27084, May 9, 2013), as specified in 50 CFR 622.41(b)(2)(iii).

The final rule for Amendment 37 to the FMP implemented an in-season AM to close the recreational sector when its ACT is reached or projected to be reached, as specified in 50 CFR 622.41(b)(2)(i).

Based on the 2013 projected recreational landings estimates, the recreational ACT of 217,100 lb (98,475 kg), round weight, for Gulf gray triggerfish was reached in August 2013. Therefore, NMFS implements the in-season AM and the recreational harvest of Gulf gray triggerfish will close at 12:01 a.m., local time on October 15, 2013, until 12:01 a.m., local time on January 1, 2014.

During the closure, the bag and possession limit of gray triggerfish in or from the Gulf EEZ is zero. This bag and possession limit applies in the Gulf on board a vessel for which a valid Federal charter vessel/headboat permit for Gulf reef fish has been issued, without regard to where such species were harvested, *i.e.* in state or Federal waters. The recreational sector for gray triggerfish will reopen on January 1, 2014, the beginning of the 2014 recreational fishing season.

Classification

The Regional Administrator, Southeast Region, NMFS, has determined this temporary rule is necessary for the conservation and management of Gulf gray triggerfish and is consistent with the Magnuson-Stevens Act and other applicable laws.

This action is taken under 50 CFR 622.41(b)(2) and is exempt from review under Executive Order 12866.

These measures are exempt from the procedures of the Regulatory Flexibility Act because the temporary rule is issued without opportunity for prior notice and comment.

This action responds to the best scientific information available. Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive the requirements to provide prior notice and opportunity for public comment on this temporary rule because such procedures are unnecessary. The AMs state that NMFS will file a notification with the Office of the Federal Register to close the recreational sector for Gulf gray triggerfish for the remainder of the fishing year if recreational landings reach or are projected to reach the recreational ACT specified in 50 CFR 622.41(b)(2)(iii). All that remains is to notify the public of the reduced recreational fishing season for gray triggerfish for the remainder of the fishing year.

Allowing prior notice and opportunity for public comment is contrary to the public interest because of the need to immediately implement this action to protect the gray triggerfish resource. Any delay in the closure of the recreational sector could result in the recreational ACL for gray triggerfish being exceeded, which, in turn, would trigger an additional AM for gray triggerfish. The AM states that if recreational landings exceed the ACL, and gray triggerfish is overfished, NMFS will file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year, to reduce the ACL and the ACT for that following fishing year by the amount of the ACL overage in the prior fishing year. Reducing the ACL and ACT the following fishing season could be disruptive to business plans and would provide less flexibility to fishermen for when they could harvest the ACL.

For the aforementioned reasons, the Assistant Administrator, NMFS, also finds good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

Authority: 16 U.S.C. 1801 *et seq.*

Dated: October 1, 2013.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, performing the functions and duties of the Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 2013–24361 Filed 10–3–13; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 130408348–3835–02]

RIN 0648–BD17

Fisheries of the Northeastern United States; Atlantic Herring Fishery; Framework Adjustment 2 and Specifications

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NMFS is implementing Framework Adjustment 2 to the Atlantic Herring Fishery Management Plan (Framework 2) and the 2013–2015 fishery specifications for the Atlantic herring fishery (2013–2015 specifications). Framework 2 allows the New England Fishery Management Council (Council) to split annual catch limits seasonally for the four Atlantic herring management areas, and the carryover of unharvested catch, up to 10 percent for each area's annual catch limit. The specifications set catch specifications for the herring fishery for the 2013–2015 fishing years and establish seasonal splits for management areas 1A and 1B as recommended to NMFS by the Council.

DATES: Effective September 30, 2014.

ADDRESSES: Copies of supporting documents used by the Council, including the Environmental Assessment (EA) and Regulatory Impact Review (RIR)/Initial Regulatory Flexibility Analysis (IRFA), are available from: Thomas A. Nies, Executive Director, New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950, telephone (978) 465–0492. The EA/RIR/IRFA is also accessible via the Internet at *http://www.nero.nmfs.gov.*

FOR FURTHER INFORMATION CONTACT: Carrie Nordeen, Fishery Policy Analyst, (978) 281–9272, fax (978) 281–9135.

SUPPLEMENTARY INFORMATION:

Background

NMFS published a proposed rule for Framework 2 and the 2013–2015 specifications (Framework 2/2013–2015 Specifications) on August 2, 2013 (78 FR 46897). The comment period on the proposed rule ended on September 3, 2013. NMFS received five comments, which are summarized in the ''Comments and Responses'' section of this final rule.

Regulations implementing the Atlantic Herring Fishery Management Plan (FMP) for herring appear at 50 CFR part 648, subpart K. The regulations at § 648.200 require the Council to recommend herring specifications for NMFS's review and proposal in the **Federal Register**, including the overfishing limit (OFL), acceptable biological catch (ABC), annual catch limit (ACL), optimum yield (OY), domestic annual harvest (DAH), domestic annual processing (DAP), U.S. at-sea processing (USAP), border transfer (BT), the sub-ACL for each management area, including seasonal periods as allowed by § 648.201(d) and modifications to sub-ACLs as allowed by § 648.201(f), and the amount to be set aside for the research set aside (RSA) (3 percent of the sub-ACL from any management area) for up to 3 years.

The 2013–2015 herring specifications are based on the provisions currently in the FMP, and provide the necessary elements to comply with the ACL and accountability measure (AM) requirements of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). This action also includes measures in Framework 2 to the FMP.

Framework 2 Measures

The regulations implementing Framework 2 allow seasonal splits of sub-ACLs for all herring management areas through the specifications process. The FMP already authorizes seasonal splits of the Area 1A sub-ACL. The sub-ACL splitting under Framework 2 allows seasonal control of fishing effort and harvest in management areas by specifying the percent of the sub-ACL available for harvest. The fishing year (FY) 2013–2015 specifications include the following seasonal splits:

Area 1A: 100 percent of the sub-ACL available for harvest during June-December (none of the sub-ACL is available for harvest during January through May); and Area 1B: 100 percent of the sub-ACL available for harvest during May-December (none of the sub-ACL is available for harvest during January through April).

Framework 2 also allows the carryover of unharvested catch, up to 10 percent of each sub-ACL, provided the stock-wide catch did not exceed the stock-wide ACL. This measure allows a sub-ACL increase for a management area, but it does not allow a corresponding increase to the stock-wide ACL. Overall harvest would therefore remain constrained by the stock-wide ACL. Consequently, the fleet would be required to forego harvest in

one or more management areas in order to harvest the carryover available in an area. This measure maintains the management uncertainty buffer between ABC and the stock-wide ACL, while giving the fleet some flexibility in choosing where to harvest the stock-wide ACL.

Under this measure, NMFS will allocate carryover in the second year after the applicable year ends. The interim year is necessary because the herring fishery can be active up to the end of December, and NMFS cannot finalize herring catch data until about 6 months after the end of the FY. Therefore, NMFS will apply carryover from FY 2013 in FY 2015, for example.

2013–2015 Herring Specifications

The Gulf of Maine-Georges Bank herring stock complex is a transboundary stock that is found in both U.S. and Canadian waters. The 2012 Stock Assessment Review Committee of the 54th Northeast Regional Stock Assessment Workshop estimated the 2011 herring biomass at 517,930 mt (biomass supporting maximum sustainable yield (B_{MSY}) = 157,000 mt) and the 2011 fishing mortality rate (F) at 0.14 (F_{MSY} (0.27)). Because the herring stock complex is above ½ B_{MSY} and the F is below F_{MSY}, the stock is not overfished and overfishing is not occurring. This assessment increased natural mortality rates for 1996–2011 by 50 percent to resolve a retrospective pattern and ensure rates take into account estimated consumption of herring in the ecosystem.

On March 9, 2012, in *Flaherty* v. *Bryson,* 850 F. Supp.2d 38 (D.D.C. 2013) U.S. District Court for the District of Columbia (Court) found that the EA for Amendment 4 to the FMP did not analyze a reasonable range of alternatives for an ABC control rule or AMs. On August 2, 2012, the Court ordered NMFS to recommend that the Council consider an adequate range of alternatives for AMs and an ABC control rule based on the best available science for setting ABC control rules for herring and other forage fish. Therefore, in an August 31, 2012, letter to the Council, NMFS strongly recommended that the Council analyze a range of alternatives for an ABC control rule that consider Atlantic herring's role as forage and AMs as part of the 2013–2015 herring specifications.

On September 12, 2012, the Council's Scientific and Statistical Committee (SSC) considered various approaches for an ABC control rule. The SSC considered the ABC approaches examined by the Herring Plan Development Team (PDT), including considering the forage aspects of Atlantic herring, discussed other possible approaches, and agreed to support both PDT approaches as alternatives for ABC and the ABC control rule for 2013–2015 as the most appropriate for management at this time. The first approach sets ABC for all 3 years based on 75 percent F_{MSY}. The second approach sets ABC at the same level for all 3 years, which has a no greater than 50-percent probability of exceeding F_{MSY} in 2015. The SSC concluded that these two approaches for setting ABC are nearly equivalent from a biological perspective, as they are expected to produce similar spawning stock biomass values for the herring stock in 2015. The SSC also determined that the two control rules would likely meet ecosystem-based targets for a forage species because they incorporated a major advance in accounting for natural mortality in the herring stock, which takes into account herring's role as forage in the ecosystem. The Council's Herring Oversight Committee met on September 20, 2012, to discuss the SSC's ABC and control rule recommendations, and to develop additional herring specifications (e.g., ACL, OY, RSA) based on that advice.

At its September 26, 2012, meeting, the Council considered the SSC's recommendations for an ABC control rule. Based on advice from its scientific advisors, the SSC, the Council selected the ''constant catch'' ABC control rule as its preferred alternative. This rule provides consistency and potential stability to fishing industry operations and an opportunity for providing a steady supply of catch to the market. At the same time, it maintains a low probability of overfishing or the stock being overfished.

Following the Council meeting, Earthjustice (representing the plaintiffs in the litigation on Amendment 4) sent a letter to the Council commenting that the Council's consideration of ABC control rules is not consistent with the Court order to evaluate an ABC control rule for forage fish. Earthjustice provided two additional forage fish ABC control rules for the Council to consider: One based on the Lenfest Forage Fish Report; and the other used by the Pacific Fishery Management Council for coastal pelagic species. As a result, the Herring PDT reviewed these two additional forage fish ABC control rules at its October 18, 2012, meeting. After considering and discussing these ABC control rules, the Herring PDT recommended to the Council that: (1) These two additional ABC control rules may not be appropriate for herring; and (2) the SSC should evaluate the applicability of these control rules for herring at its November 19, 2012, meeting, both for the 2013–2015 specifications and for long-term management.

The Council also requested that the SSC evaluate the two additional ABC control rules recommended by Earthjustice. In considering the Lenfest and Pacific Council control rules in preparation for the SSC review, the Herring PDT expressed concern about adopting either of these control rules in the 2013–2015 specifications package. The Herring PDT stated that either would represent a significant change in management strategy, which may not be consistent with the Council's management regime or the underlying stock assessment advice, and that adopting such a rule would require consideration of a number of factors not appropriate to the specifications process (i.e., such a potentially significant deviation from the current management regime would be better considered in a Council amendment to the FMP).

The SSC carefully considered the additional two control rules it was asked to review, and concluded that forage fish control rules based on the Lenfest and Pacific Council models would yield short-term biomass projections for 2013–2015 that are very similar to their previous ABC control rule recommendations (i.e., 75 percent of F_{MSY} and constant catch control rules) (see Appendix II of the EA for the specifications). The SSC concluded that the 75-percent and constant catch control rules that it had already recommended to the Council are consistent with the intent of control rules recommended by Earth Justice. According to the SCC, the recommended control rules acknowledge that herring is an important forage species, take that into account, and allow for sufficient biomass through 2015 to support ecosystem considerations, including herring's forage role in the ecosystem. The SSC also noted that there are substantial differences between the Lenfest and Pacific Council control rules, and that considerably more analysis would be necessary to determine the suitability of applying forage fish control rules like the Lenfest and Pacific Council approaches to Atlantic herring in the future. The SSC concluded that it did not have sufficient information to evaluate the performance of the additional control rules for issues including predator-prey models, the relationship between MSY and changing natural mortality rates due to changes in consumption, and unintended

consequences of treating forage species differently than other managed species. As a result, the SSC recommended to the Council that control rules for forage species such as the Lenfest and Pacific pelagics control rules should receive further evaluation prior to any potential implementation as a long-term strategy for managing herring. Based on the SSC's recommendations, the Council determined that the 75-percent and constant catch control rules adequately account for herring's role as forage (and would yield similar results to short-term application of specific forage fish control rules) and that consideration of other approaches for the long term will require additional analyses of the appropriate multiple reference points, that should be evaluated in a full Council amendment to the FMP. Section 2.2.9.1 ''Additional Alternatives for ABC Control Rule'' in the EA fully explains the Council's rationale for considering and rejecting these forage fish control rule alternatives as part of the specifications. NMFS agrees that the Council's control rule for this action, which is based on the SSC's scientific advice, is the most appropriate approach at this time. NMFS also agrees with the Council's conclusions that the Council should further consider a more specific forage fish control rule, including a consideration of the implications of forage control rules on other components of the ecosystem and on the biological reference points for herring. NMFS has urged the Council to consider this in the context of an amendment to the FMP to potentially be used when developing the 2016–2018 specifications.

The 2013–2015 specifications also address the Court order relative to AMs for the herring fishery. Due to some recent challenges monitoring the herring fishery, NMFS provided specific AM recommendations to the Council in a letter dated January 23, 2013. Herring catch exceeded one or more management area sub-ACLs in 2010 and 2011, and preliminary data indicate that 2012 catch exceeded three management area sub-ACLs, as well as the stock-wide ACL. This reflects in the challenge of monitoring this high volume fishery, in which the fleet catches and lands large volumes of fish in a very short period of time. NMFS currently monitors herring catch using a combination of daily electronic vessel reports, weekly vessel trip reports, and weekly dealer reports. Data errors in catch reports, late reporting, or non-compliance have adversely affected monitoring the fishery in real-time.

As a result, in a letter dated January 23, 2013, NMFS recommended that the Council revise its management area closure measure to be more precautionary (close the directed fishery when 92 percent, rather than 95 percent, of the area's sub-ACL is projected to be harvested) and adopt a measure that would close the directed fishery in all management areas when 92 percent of the stock-wide ACL is projected to be harvested. Additionally, the letter recommended that the Council maintain the current pound-for-pound overage deduction measure (allowing for an interim year to verify and finalize catch data) and that it not revise the overage deduction measure so that it would only require overage deductions when catch exceeded 105 percent of a management area sub-ACL.

The Council considered a range of AM alternatives for the herring fishery to help prevent ACL overages and account for overages when they do occur. The Council recommended revising the existing management area closure measure by lowering the directed herring fishery (landings >2,000 lb) closure trigger in a management area from 95 percent to 92 percent of the area's sub-ACL. The Council also recommended establishing a new AM that would close the entire directed herring fishery when 95 percent of the stock-wide ACL is harvested. Both of these measures would help prevent sub-ACL and stock-wide ACL overages that the fishery has experienced in 2010, 2011, and possibly 2012. Lastly, after considering a range of less precautionary overage deduction measures, the Council recommended maintaining the current overage deduction measure. This measure allows for an interim year to verify and finalize herring catch data before deducting overages from the sub-ACL and/or stock-wide ACL where the overage occurred, consistent with the carryover provision.

At its January 29, 2013, meeting, the Council recommended the 2013–2015 specifications for the herring fishery. This final rule implements the herring specifications as recommended by the Council as detailed in Table 1 below. For 2013–2015, the Council may annually review these specifications and recommend adjustments if necessary.

TABLE 1—2013–2015 SPECIFICATIONS

Atlantic Herring Specifications (mt) for 2013–2015	
Overfishing Limit	2013—169,000. 2014—136,000. 2015—114,000.
Allowable Biological Catch.	114,000.
Optimum Yield/Annual Catch Limit.	107,800.
Domestic Annual Harvest.	107,800.
Border Transfer	4,000.
Domestic Annual Processing.	103,800.
U.S. At-Sea Processing.	0.
Area 1A Sub-ACL	29,775.*
Area 1B Sub-ACL	4,600.
Area 2 Sub-ACL	30,000.
Area 3 Sub-ACL	42,000.
Fixed Gear Set-Aside	295.
Research Set-Aside ..	3 percent of each sub-ACL.

*This value was reduced by 1,425 mt from 31,200 mt to 29,775 mt to account for an overage in 2011.

Consistent with the SSC's advice, the Council recommended changing the OFL from 127,000 mt in 2012 to 169,000 mt in 2013, 136,000 mt in 2014, and 114,000 mt in 2015, and increasing the herring ABC from 106,000 mt in 2010–2012 to a constant level of 114,000 mt for 2013–2015. The Council believes that the buffer between OFL and ABC is reflective of scientific uncertainty. Reductions for additional sources of scientific uncertainty (e.g., biomass projections, recruitment, forage/natural mortality) were not recommended. OY may not exceed OFL and may be reduced by social, economic, or ecological factors. The Council did not recommend any additional buffers for 2013–2015, so OY is set equal to ACL. Herring regulations (§ 648.200(b)(3)) specify that the ACL is less than or equal to ABC minus expected catch in the New Brunswick weir fishery and the uncertainty around discard estimates of herring caught in Federal and state waters. The Council recommended a 6,200-mt deduction for New Brunswick weir catch based on recent performance in that fishery. Because state-only catch and herring discards are tracked against the ACL, the Council did not recommend any additional buffer between ABC and ACL to account for the uncertainty around discard estimates.

Regulations at § 648.201(f) state that if NMFS determines that the New Brunswick weir fishery landed less than 9,000 mt through October 15, NMFS shall allocate an additional 3,000 mt to the Area 1A sub-ACL in November. Because the Council recommended, and this action proposes, a much smaller deduction for New Brunswick weir catch (6,200 mt) for 2013–2015 than in past years, the previous requirement to

allocate additional harvest to Area 1A if catch in the New Brunswick weir fishery is less than 9,000 mt is not appropriate for 2013–2015. Therefore, this action removes that requirement.

BT is a processing allocation available to Canadian transport vessels and dealers. The MSA provides for the issuance of permits to Canadian vessels transporting U.S.-harvested herring to Canada for sardine processing. The Council recommended setting the specification for BT at 4,000 mt. The amount specified for BT has equaled 4,000 mt since 2000. As there continues to be Canadian interest in transporting herring for sardine processing, the specification for BT remains unchanged.

The FMP specifies that DAH will be set less than or equal to OY and is comprised of DAP and BT. Consistent with the specifications for OY, the Council recommended setting the DAH at 107,800 mt for 2013–2015. DAH should reflect the actual and potential harvesting capacity of the U.S. herring fleet. Since 2001, total landings in the U.S. fishery have decreased, averaging 93,792 mt over the time series. Herring landings from the most recent 5-year period (2007–2011) averaged 86,373 mt. DAP is the amount of U.S. harvest that is processed domestically, as well as herring that is sold fresh (i.e., bait). DAP is calculated by subtracting BT from DAH. Using this formula, the Council recommended setting DAP at 103,800 mt. NMFS concurs that the U.S. herring fishery has the capacity to harvest and process the DAH and DAP recommended by the Council, so this final rule sets DAH at 107,800 mt and DAP at 103,800 mt for 2013–2015.

A portion of DAP may be specified for the at-sea processing of herring in Federal waters. When determining the USAP specification, the Council considers the availability of shore-side processing, status of the resource, and opportunities for vessels to participate in the herring fishery. During FY 2007–2009, the Council maintained a USAP specification of 20,000 mt (Areas 2/3 only) based on information received about a new at-sea processing vessel that intended to utilize a substantial amount of the USAP specification. At that time, landings from Areas 2 and 3—where USAP is authorized—were considerably lower than allocated sub-ACLs (formerly TACs) for each of the past several years. Moreover, the specification of 20,000 mt for USAP did not restrict either the operation or the expansion of the shoreside processing facilities during FY 2007–2009. However, the at-sea processing operation never materialized, and none of the USAP specification was used during FY 2007–2009. Consequently, the Council set USAP at zero for FY 2010–2012. The Council has not received any information that would suggest changing this specification for FYs 2013–2015.

This final rule establishes a 3-percent herring research set-aside (RSA) for all management areas for fishing years 2014–2015. The RSA was established in Amendment 1 (0–3 percent for any management area). The herring RSA set-aside is removed from each sub-ACL prior to allocating the remaining sub-ACL to the fishery. If a proposal is approved, but a final award is not made by NMFS, or if NMFS determines that the allocated RSA cannot be utilized by a project, NMFS shall reallocate the unallocated or unused amount of the RSA to the respective sub-ACL, in accordance with the Administrative Procedure Act (APA), provided that the additional catch can be available for harvest before the end of the FY for which that RSA is specified. Herring regulations (§ 648.201(g)) specify that up to 500 mt of the Area 1A sub-ACL shall be allocated for the fixed gear fisheries in Area 1A (weirs and stop seines) that occur west of 44° 36.2 N. Lat. and 67°16.8 W. Long. This set-aside shall be available for harvest by the fixed-gear within the specified area until November 1 of each year; any unused portion of the allocation will be restored to the Area 1A sub-ACL after November 1. During 2010–2012, the fixed gear set-aside was specified at 295 mt. Because the Area 1A sub-ACL for 2013–2015 is not substantially different from the Area 1A sub-ACL in 2012, the Council recommended that the fixed gear set-aside remain the same. This final rule sets the fixed gear set-aside at 295 mt for 2013–2015.

Comments and Responses

NMFS received five comment letters on the proposed rule for Framework 2/2013–2015 Specifications from: A tuna fisherman from Maine; Cape Seafoods, Inc. and Western Sea Fishing, Inc. (two related herring processing and fishing businesses hereafter referred to as Cape Seafoods/Western Sea); the Cape Cod Commercial Fishermen's Alliance (CCCFA), a Cape Cod, MA, fishing community-based organization that seeks to protect ecosystems and promote fishing businesses; and Earthjustice, a non-profit public interest law organization dedicated to protecting the environment and defending people's rights to a healthy environment (Earthjustice, earthjustice.org). Earthjustice wrote two letters: one was on behalf of Michael Flaherty, Alan Hastbacka, and the Ocean Rivers Institute, the plaintiffs in the Flaherty legal challenge of Amendment 4 to the Herring FMP, and the other was on behalf of the Herring Alliance, an environmental organization that formed to protect and restore ocean wildlife and ecosystems in the northeast United States by reforming the Atlantic herring fishery (Herring Alliance, herringalliance.org). Earthjustice's two letters raised nearly identical issues on behalf of its clients. The summary of comments below includes Earthjustice's comments combined for its two clients except when the issue raised in one letter or the other is distinct.

Comment 1: The tuna fisherman expressed concern that herring midwater trawl and purse seine vessels are having a severe negative impact on herring abundance in the Gulf of Maine. He stated that, once herring vessels arrive, the herring are gone. He stated that this is having negative impacts on cod, birds, whales, and other animals in the Gulf of Maine that rely on herring as a source of food. CCCFA commented that it feels strongly that a robust forage base is necessary for the health of all our fish stocks, particularly New England's depleted groundfish stocks, and that the organization has long been concerned with the high-volume herring fishery's direct and indirect impacts on other fisheries. CCCFA and Earthjustice urged the continued evaluation of ABC control rules intended specifically for forage fish for possible inclusion in the next appropriate action.

Response: NMFS agrees that the Council should further consider catch control rules for herring that take into account herring's role as forage in the ecosystem. NMFS has asked the Council, in a letter dated August 29, 2013, to consider this, to the extent possible, prior to developing the next specifications for the herring fishery. The control rule implemented by these specifications, however, is based on a major advancement in accounting for herring's role as forage in the ecosystem. The Council's SSC concluded that the resulting catch levels established by these specifications allow for sufficient biomass to support ecosystem considerations, including herring's role as forage.

Comment 2: The tuna fisherman urged NMFS to monitor herring vessels at sea and at the dock.

Response: NMFS will continue to monitor the herring fishery through fishery observers, and vessel and dealer reports. NMFS cannot implement enhanced monitoring measures without further Council action. The Council would have to consider measures to implement dockside monitoring in an

amendment to the FMP, not through a specifications action. Previously, the Council removed consideration of dockside monitoring from Amendment 5 to the FMP. This is a complex issue due to funding and administration of such a program, but one that the Council may reconsider in a future action.

Observer coverage levels can be determined outside of the Council process by NMFS, and NMFS currently monitors herring vessels at sea through the Northeast Fisheries Observer Program (Observer Program) consistent with coverage required by the Standard Bycatch Reporting Methodology (SBRM). Coverage rates in the herring fishery vary by area and gear. In 2012, the Observer Program observed approximately 16 percent of purse seine, 18 percent of paired midwater trawl, 6 percent of single midwater trawl, and 5 percent of bottom-trawl herring trips in Area 1A (inshore Gulf of Maine). Coverage levels in other areas in 2012 were higher for some gears, including approximately 37 percent of paired midwater trawl trips in Area 1B (offshore Gulf of Maine) and 75 percent of paired midwater trawl trips in Area 3 (Georges Bank). Combined, this level of coverage was sufficient under SBRM to monitor bycatch in this fishery.

Comment 3: Cape Seafoods/Western Sea expressed concerns about the delay in implementing the specifications past January 1, 2013, and increasingly late in 2013. The stockwide ACL and sub-ACLs all will increase under the new specifications, and the representative was concerned that the increased catch will not be available before the current lower catch levels are harvested and the fishery closed in the various management areas.

Response: NMFS shares these concerns. For the 2013–2015 specifications, the Council took final action in January 2013 and submitted its first version of the action in March 2013. NMFS and the Council went through a substantial amount of work to complete the EA that supports the Council's recommendations. The Council's final submission was in July 2013, and NMFS proceeded with a proposed rule quickly with an August 2, 2013, publication. Through this rule, NMFS is putting the specifications in place as soon as possible and will be considering re-opening any herring management areas that closed due to herring catch under the lower rollover 2013 catch limits that can be reopened under the higher 2013 catch limits implemented through this final rule.

Comment 4: Cape Seafoods/Western Sea supported the seasonal control of fishing effort in the herring fishery through percentage allocated by season, but opposed splitting seasons in Areas 2 and 3, and delaying herring fishing in Area 1B until May (through the zero-percent allocation in January through April).

Response: The comment provided no basis for opposing the Council's recommended and proposed seasonal splits for the herring management areas. The Council's justification for the measure is that the proposed seasonal sub-ACL split for Areas 1A and 1B would slow fishing effort by spreading it through the year, reducing the probability that the entire sub-ACL would be caught early in the fishing year. The Council noted that this may allow the fishery to maximize opportunities when market conditions may be more favorable. The Council noted that the seasonal split proposed for Area 1A is already in the FMP and has been effective for years through the Atlantic States Marine Fisheries Commission's (ASMFC's) days-out restrictions. The Council noted that the Area 1B sub-ACL is relatively small, and the fishery has exceeded the sub-ACL in that area in recent years. The split in Area 1B is intended, in part, to address this problem. NMFS agrees with this rationale, and also notes that the Council did not select seasonal allocation splits for Areas 2 and 3. If the Council considers such splits in the future, the Council would analyze the proposed splits as part of the appropriate specifications action. The herring industry and others interested in herring fishery management would have the opportunity to participate in the development of those actions.

Comment 5: Cape Seafoods/Western Sea supported carryover of sub-ACL, but urged NMFS to allow more than 10 percent of the sub-ACLs to be carried over because it believes sufficient buffers are built into setting the sub-ACLs and the payback provisions for overages minimize the need to limit carryover to 10 percent.

Response: NMFS cannot choose a higher percentage for carryover without further Council action, because the Council only considered carryover of up to 10 percent. The Council could consider higher carryover in future years if it believes it is warranted. Whether or not sufficient buffers are included already in setting herring fishery ACLs, as suggested in the comment, would need to be analyzed in that future action.

Comment 6: Cape Seafoods/Western Sea supported the sub-ACL specifications, but opposed the new AM that would close each area when it reaches 92 percent of the catch, instead of the 95-percent threshold. Cape Seafoods/Western Sea argued that the fishery has been below overfishing thresholds in recent years and there is no valid justification for the more precautionary closure threshold.

Response: NMFS disagrees that the fishery has been below overfishing thresholds in recent years and there is no valid justification for the more precautionary closure threshold. Under MMSA requirements, NMFS must establish ACLs and ensure that the ACLs are not exceeded through fishery management measures. If ACLs are exceeded, NMFS must implement AMs to account for the overage. AMs can address management uncertainty, including uncertainty in quantifying catch and monitoring the quota on a real-time basis, as well as the ability of managers to constrain catch in order to avoid ACL overages. Setting the AM threshold at 92 percent for herring management area sub-ACLs, and 95 percent for the fishery-wide herring ACL, addresses management uncertainty, including NMFS's ability to constrain catch as the fishery approaches the applicable sub-ACL. The lower threshold is warranted because of the level of catch that can happen in a short time when the fishery is approaching the sub-ACLs. At a lower threshold, NMFS is more likely to account for management uncertainty such as catch occurring after the closure announcement (NMFS provides, in general, 72-hr notice of a closure), incidental catch of herring after the closure (up to 2,000 lb (907 kg) per trip), variable herring catch rates, and late/missing catch reports that cause catch to increase after the closure. For some areas, like Area 1B, that have very small sub-ACLs, the larger buffer is important since catch leading up to the closure and after the closure announcement can cause the sub-ACL to be exceeded in just a few trips.

Comment 7: CCCFA supported the 92-percent closure threshold for management areas and the 95-percent closure threshold for the stockwide ACL, as well as the carryover provision in Framework 2. However, CCCFA urged NMFS to eliminate the 1-year lag for implementing the overage deductions and carryover in favor of a more immediate response to under or over-harvesting the herring ACLs.

Response: The interim year between the year the overage occurs and the overage deduction AM, and the same for the under-harvest and the carryover under this action, is necessary because the herring fishery can be active during the entire fishing year (January to

December). This may be enhanced with the seasonal splits in Areas 1A and 1B. Once all data are available to NMFS (considering corrected and late reports), NMFS finalizes herring fishery year-end accounting about halfway through the interim year (in 2013, NMFS completed this in August). Within this process, NMFS completes quality control checks on herring catch data in February finalizes observer data in May, and finalizes dealer data in June. As we are seeing this year with late implementation of these specifications, an inseason adjustment of the herring sub-ACLs is disruptive and confusing to the herring fleet. Although NMFS understands that an adjustment sooner after the overage or underage occurred would be preferable, biologically, there is little difference in making the AM or carryover effective 1 year, or 2 years after the overage or underage.

Comment 8: CCCFA supported the sub-ACL specifications, but insisted that the specifications should be revisited annually to ensure that these allocations are still consistent with the resource. CCCFA commented that is particularly the case for the 2015 specifications, since the ABC is equal to the OFL for that year. The Herring Alliance, through Earthjustice, commented that NMFS and the Council initiate structured annual Council and SSC review of stock status similar to the procedures used by the Mid-Atlantic Council and its SSC for reviewing multi-year specifications annually in the Mackerel, Squid, and Butterfish Fishery Management Plan.

Response: The 3-year specifications for this and other species promotes efficiency in the Council process, which can be hampered by numerous conflicting actions and priorities in its various fishery management plans. However, nothing prevents the Council from adjusting the specifications within the 3-year period, if information suggests that the specifications need adjustment. The current herring regulations state that the Council can adjust the herring specifications within an established 3-year period if it determines that it should do so based on information provided by its herring PDT or the ASMFC's herring Plan Review Team, or other stock-related information. Further, the regulations state that the herring PDT will meet at least once during the 3 years to review the stock status in relations to the OFLs, if information is available to do so. The Council would use the specifications-setting process that it uses for the typical 3-year specifications. Currently, the need for adjustment is speculative. CCCFA and any other organization may suggest such action of the Council when and if new information about the herring resource suggests that the Council should consider adjusting the herring specifications, either upward or downward.

Comment 9: Earthjustice commented that NMFS failed to consider a reasonable range of alternatives to the interim ABC Control Rule in the Specifications. Earthjustice claimed that the record for the action does not support NMFS's conclusion in the proposed rule that the two forage-based control rules, which were rejected, were carefully considered by the SSC during development of the Specifications. Earthjustice claims that NMFS has failed to satisfy the Court's remedial Order in *Flaherty,* which requires NMFS to consider a range of alternatives to the interim ABC control rule for the Atlantic herring fishery, at least one of which is based on the most recent best available science for setting ABC control rules for herring and other forage fish. Earthjustice commented that NMFS must implement an ABC Control Rule consistent with the best available science for herring and other forage fish in the next specifications package.

Response: Earthjustice's comment and summary of the Council's consideration of the two forage fish control rules does not provide an accurate summary of the Council's consideration of the range of control rules in the specifications. The Council considered five alternative control rules that could be used to set an ABC and ACLs for the herring fishery, including the no action alternative. Earthjustice and its clients presented two of the alternatives (the Lenfest and Pacific Control Rules) to the Council, and the Council used additional time in the specifications process to consider them. The Council's SSC evaluated all of the control rules and recommended to the Council that the two alternative forage-based control rules should not be used for the 2013–2015 specifications. The basis for this recommendation had two parts: First, the SSC found that evaluating catch limits through such as the alternatives proposed by Earthjustice required further scientific development and guidance from the Council because the rules as designed may not be suitable for the herring fishery; and second, that based on available information, the alternative control rules proposed by Earthjustice would yield ABC and ACLs similar to the three other control rules evaluated by the SSC and the Council. In suggesting that the record for the action does not support the Council's conclusions, Earthjustice failed to recognize or address the discussion of the two control rules that is included in the EA that explains the SSC's consideration of the two control rules and the Council's reasons for including them in the considered but rejected section of the EA. In that section, the Council provides a thorough description of the two forage-based control rules proposed by Earthjustice, the SSC recommendations, and the reasons why those two control rules should not be further analyzed in the EA. Earthjustice also failed to recognize and address the two SSC reports, included as appendices to the EA, that present the SSC's full consideration of the two forage fish control rules and its full reasons for delaying consideration of the alternative forage-based control rules.

Comment 10: Earthjustice commented that NMFS's disapproval of Amendment 5's 100-percent observer coverage requirement, the net slippage cap, and the requirement for dealers to weigh fish undermines the specifications. It claims that the disapproval of these monitoring revisions is problematic because the catch limits in the specifications were analyzed with the expectation that these monitoring measures would be approved. Earthjustice characterized several statements in the EA as demonstrating that the full approval of Amendment 5 is necessary for the implementation of the Council's preferred specification alternatives. The Herring Alliance, through Earthjustice, commented that, as a result of the disapproval, NMFS should approve the ''No Action'' alternative for specifying ABC and ACL, which would maintain the status quo of 106,000 mt ABC and 91,200 mt ACL for the next 3 years.

Response: NMFS strongly disagrees with these comments. The specifications are not dependent on the approval of Amendment 5. With or without approved Amendment 5 management measures, the proposed specifications will continue to serve as management measures that are necessary and appropriate to comply and are consistent with the MSA and applicable laws. Earthjustice cited pieces of the Framework 2/2013–2015 Specifications document that reference Amendment 5, and provided its own interpretation of those statements, concluding that the proposed specifications are not legal as a result of the disapproval of Amendment 5. These statements are not accurate.

The EA for these specifications includes references to Amendment 5 as a reasonably foreseeable action. It includes references to the AM measures in the specifications that support Amendment 5 objectives. It also includes references to all of the monitoring measures in Amendment 5

and the expectation that those measures would build on recent monitoring improvements in the herring fishery. The 100-percent monitoring coverage requirement referred to by Earthjustice is only one of the Amendment 5 measures that were expected to build on these improvements. The monitoring and other measures approved in Amendment 5 are still expected to improve recent monitoring.

The record does not support Earthjustice's claims that additional uncertainty would need to be built into the specifications and that the 2013–2015 specifications should be reduced to account for the disapproval of some measures in Amendment 5. NMFS and the Council consider a full range of alternatives for an action that is dependent on possible approval or disapproval and implementation of measures included in an umbrella action (see Amendment 15 and Framework Adjustment 22 to the Scallop Fishery Management Plan (76 FR 43746, July 21, 2011, and 76 FR 43774, July 21, 2011, respectively)). These two scallop actions were directly related, and the documents supporting the action and the rules published in the **Federal Register** noted those relationships. As noted in this rule, the ABC is sufficient to prevent overfishing. New AMs are being implemented by this action to support those limits. For the 2013–2015 Herring Specifications, the Council merely noted improvements expected through Amendment 5. The Council did not state anywhere that the 2013–2015 Specifications rely on the approval of Amendment 5 in full.

Comment 11: Earthjustice commented that NMFS is past its deadline to establish management measures that minimize bycatch consistent with National Standard 9 of the MSA. It commented that NMFS must act quickly to implement a river herring catch cap through Framework 3 to the FMP. Earthjustice also noted that NMFS must ensure that the cap reduces bycatch and incidental catch of river herring consistent with National Standard 9 and the goals and objectives of the FMP.

Response: This comment is not relevant to Framework 2/2013–2015 Specifications. NMFS notes, however, that it has asked the Council to quickly move forward on its development and completion of Framework 3 to implement river herring catch cap for the herring fishery. NMFS disagrees that it has missed a deadline to minimize bycatch as required by the Court. Rather, NMFS believes that the measures implemented in Amendment 5 minimize bycatch and mortality of bycatch to the extent practicable, as required by the MSA. NMFS will continue to implement a rigorous monitoring program for the herring fishery to maintain consistency with these requirements.

Comment 12: Earthjustice commented that NMFS violated the law by failing to consider adding river herring and shad to the FMP. It stated that, although the Council made such an action a priority for 2013, it has failed to take any action on it. Earthjustice commented that the Council inexplicably delayed action instead until the completion of the river herring catch cap action in Framework 3 and an action to establish an industry-funded observer program. Earthjustice commented that failure to initiate an amendment to consider adding river herring and shad to the FMP as managed species would further unlawfully delay NMFS meeting its statutory obligations to manage species in need of conservation and management and that the Council must initiate such an amendment at its September Council meeting.

Response: Adding river herring and shad to the herring FMP is outside of the scope of this action. NMFS agrees, however, that the Council should consider adding river herring and shad to the FMP as managed species, or managing river herring and shad under its own management plan, and has urged the Council to consider these issues in a letter to the Council from NMFS dated August 29, 2013. The Council will determine its management action priorities at its November Council meeting, and NMFS will urge it to prioritize consideration of managing river herring and shad. NMFS does not believe that considering industry-funded observer provisions would be an impediment to the Council's consideration of river herring and shad as stocks in the fishery, as NMFS is proposing to develop an action, with close coordination with both the New England and Mid-Atlantic Fishery Management Councils, that could establish provisions for industry-funded observer programs for all managed fisheries.

Comment 13: The Herring Alliance, through Earthjustice, opposed the 2013–2015 specifications because it believes they are too high and do not account for sufficient uncertainty related to monitoring of the fishery. The Herring Alliance is concerned about discarding and uncertainties in herring catch as a result of monitoring deficiencies created by NMFS's disapproval of some monitoring provisions in Amendment 5 to the FMP. The Herring Alliance, through Earthjustice, also opposed the 2015 specifications because the terminal year of the 2013–2015 Specifications does not include any buffer for scientific uncertainty in setting OFL and ABC.

Response: The FMP, as adjusted by these specifications, is in compliance with the MSA and applicable law. The SSC concluded that the proposed specifications are unlikely to result in overfishing in the next 3 years, including FY 2015. The best available scientific information, as presented in the EA, supports these conclusions. If new scientific information about the herring resource and fishery shows that the Council should adjust the specifications, the Council may take action to do so to prevent overfishing or to address any issues that are not evident in the scientific information supporting this action. Further, the new lower AM thresholds implemented by these specifications will assist with maintaining these catch limits.

Comment 14: The Herring Alliance, through Earthjustice, opposed the ''Constant Catch ABC Control Rule'' and the failure to consider an ABC control rule that can respond to changing stock conditions necessary to determine how many fish can safely be removed from the ecosystem. The Herring Alliance stated that a well-designed ABC control rule establishes ABC under a wide range of stock conditions, including setting catch at zero when a minimum biomass limit is reached.

Response: The Constant Catch ABC Control Rule will apply to the next 3 years of the herring fishery. The SSC has analyzed this catch rule and determined it sufficiently accounts for herring's role as forage and protects from overfishing. If the Council finds that this control rule is insufficient, or results in too much risk of overfishing, it may choose to change the ABC control rule. In addition, NMFS is urging the Council to further consider control rules for the herring fishery that take into account the role of herring as forage in the ecosystem. Although the Council determined that forage-specific control rules would provide no distinct difference from the constant catch control rule or its alternatives in the next 3 years, it recognized the need to further develop and consider forage-based control rules for this species. NMFS therefore believes that the Council will further consider different control rules in the next scheduled specifications and that the herring resource is not at risk of overfishing in the meantime.

Changes From Proposed Rule to Final Rule

In § 648.201(g), the first sentence is changed to read ''Subject to the

conditions described in this paragraph (f), unharvested catch in a herring management area in a fishing year (up to 10 percent of that area's sub-ACL) shall be carried over and added to the sub-ACL for that herring management area for the fishing year following total catch determination.'' The change brings the regulatory text in line with the Council's recommended measure because carryover is a maximum of 10 percent of the sub-ACL, not 10 percent of the unused portion of the sub-ACL and so the original text was in error.

Classification

Pursuant to section 304(b)(1)(A) of the MSA, the NMFS Assistant Administrator has determined that this final rule is consistent with the Atlantic Herring FMP, other provisions of the MSA, and other applicable law.

This final rule has been determined to be not significant for purposes of Executive Order 12866.

The need to implement these measures in an expedited manner in order to help achieve conservation objectives for Atlantic herring constitutes good cause, under authority contained in 5 U.S.C. 553(d)(3), to waive the 30-day delay in effectiveness. If there is a delay in implementing the ACLs in this action, the herring fleet will continue to fish in Federal waters under lower ACLs that are currently in effect. In some cases, these allocations are close to being fully harvested, which would force a closure of the affected management areas prior to the end of the fishing year. NMFS would need to re-open the fisheries after the closures, and delaying such reopening could constrain catch for the remainder of the year. The allocations in this action were developed to reflect an updated estimate of the annual catch that can be harvested, and could be underutilized if the herring fishery is not given sufficient time to harvest it. The herring fishery supplies bait to the lobster and other fisheries, and the process of closing and reopening the fishery could lead to a potential under-harvest and also cause widespread fishery disruption. Further, continuation of inconsistent state and Federal management measures creates unnecessary confusion in the industry about regulatory requirements. For example, the states recently closed the herring fishery in Area 1A under Atlantic States Marine Fisheries Commission rules in order to prolong the fishery. This closure has confused vessel owners and interested members of the public public because of the overlap in this state and Federal management measures. This rule would allow the states to re-open the fishery.

A final regulatory flexibility analysis (FRFA) was prepared, as required by section 603 of the Regulatory Flexibility Act (RFA). The FRFA describes the economic impact this final rule would have on small entities. A summary of the analysis follows.

Statement of Objective and Need

This action implements management measures and 2013–2015 specifications for the herring fishery. A complete description of the reasons why this action is being considered, and the objectives of and legal basis for this action, are contained in the preamble to this final rule and are not repeated here.

A Summary of the Significant Issues Raised by the Public Comments in Response to the IRFA, a Summary of the Assessment of the Agency of Such Issues, and a Statement of Any Changes Made in the Proposed Rule as a Result of Such Comments

NMFS received no comments relative to the IRFA or economic impacts of the proposed Framework 2 or 2013–2015 herring fishery specifications.

Description and Estimate of Number of Small Entities to Which the Rule Will Apply

NMFS determined in the Initial Regulatory Flexibility Analysis that based on 2012 permit data, the number of potential fishing vessels in each permit category in the herring fishery are as follows: 40 for Category A (limited access, All Areas); 4 for Category B (limited access, Areas 2 and 3); 45 for Category C (limited access, incidental); and 1,984 for Category D (open access). Using ownership data and this permit information, 61 entities were analyzed relative to the impacts on small entities when the Council made its recommendations on this action. Three entities, owning vessels with Category A permits, were considered large entities, as defined in section 601 of the RFA, based on the small business size standards in effect when the Council made its recommendations on this action.

Subsequent to Council action related to this rule, SBA revised its small business size standards for several industries in a final rule effective July 22, 2013 (78 FR 37398, June 20, 2013). The rule increased the size standard for Finfish Fishing from $4.0 to $19.0 million, Shellfish Fishing from $4.0 to $5.0 million, and Other Marine Fishing from $4.0 to $7.0 million. NMFS has reviewed the analyses prepared for this action in light of the new size standards.

In preparing the FRFA for this final rule, NMFS reviewed permit, landings, and ownership data, and discovered an error in tabulating revenues and entities for 2012, which is now being corrected in this rule. NMFS has now identified 70 entities (compared to 61 in the original analysis) that held at least one limited access herring permit (category A, B, or C) in 2012. Many of these entities were active in both finfish fishing and shellfish fishing industries. In order to make a determination of size, fishing entities are first classified as participants in either the Finfish Fishing or Shellfish Fishing industry. In the IRFA, NMFS, determined that if an entity derives more than 50 percent of its gross revenues from shellfish fishing, the $5.0 million standard for total revenues is applied. If an entity derives more than 50 percent of its gross revenues from finfish fishing, the $19.0-million standard for total revenues is applied. Based on the revised criteria, there are seven large shellfish fishing entities to which the rule would apply. There are 63 small entities to which the rule would apply.

Of the 63 small entities, 39 reported no revenue from herring during 2012. For the 24 small entities that were active in the herring fishery, median gross revenues were approximately $872,000 and median revenues from the herring fishery were approximately $219,000. There is large variation in the importance of herring fishing for these small entities. Eight of these 24 active small entities derive less than 5 percent of their total fishing revenue from herring. Seven of these 24 active small entities derive more than 95 percent of their total fishing revenue from herring.

The Office of Advocacy at the Small Business Administration (SBA) suggests two criteria to consider in determining the significance of regulatory impacts: Disproportionality and profitability. The disproportionality criterion compares the effects of the regulatory action on small versus large entities (using the SBA-approved size definition of ''small entity''), not the difference between segments of small entities. The changes in profits, costs, and net revenues due to Framework 2/2013–2015 Specifications are not expected to be disproportional for small versus large entities, as the action will affect all entities, large and small, in a similar manner. As a result, this action would have proportionally similar impacts on revenues and profits of each vessel and each multi-vessel owner compared both to status quo (i.e., FY 2012) and no action levels. Therefore, this action is not expected to have disproportionate impacts or place a substantial number of

small entities at a competitive disadvantage relative to large entities.

Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

This action does not contain any new collection-of-information, reporting, recordkeeping, or other compliance requirements. It does not duplicate, overlap, or conflict with any other Federal rules.

Description of the Steps the Agency Has Taken To Minimize the Significant Economic Impact on Small Entities Consistent With the Stated Objective of the Applicable Statutes, Including a Statement of the Factual, Policy, and Legal Reasons for Selecting the Alternative Adopted in the Final Rule and Why Each of the Other Significant Alternatives to the Rule Considered by the Agency Which Affect the Impact on Small Entities Was Rejected

Framework Adjustment 2 would improve profitability by allowing sub-ACL carryover, thus permitting the industry to maximize opportunities to fish when markets are favorable. The 2013–2015 herring specifications, ABC, and the corresponding sub-ACLs would increase (from 106,00 mt to 114,000 mt) for the upcoming 3 fishing years, which could also increase profitability. The AMs are expected to act as an incentive to avoid exceeding the ACL and are expected to have minimal impacts on profitability. The impacts of these measures are described below.

Seasonal Splits of Sub-ACLs

Relative to the status quo, the approved measures, which allow for seasonal splits, may have costs to the herring industry. A seasonal split would delay harvest of herring and potentially reallocate herring effort from earlier in the season to later in the season. The purpose of this measure is to ensure that the herring sub-ACLs are not met or exceeded early in the fishing year. Prolonging the fishing season, or delaying fishing opportunities until late in the fishing year may be desirable in many cases. For example, because herring and mackerel are jointly caught at the end of the fishing year in Area 2, there may be an opportunity to increase catch by delaying some effort until later during the year to provide an opportunity to catch mackerel along with herring. Therefore, there may be benefits to fishing businesses that participate in both the herring and mackerel fishery if the Council chooses to adopt a seasonal split in Area 2, or other areas, in future actions.

The specifications for 2013–2015 implement the actual seasonal splits. The status quo for seasonal splits includes a seasonal split for Area 1A (0 percent for January–May and 100 percent for June–December), and no seasonal splits for the other areas. The approved measures adds a seasonal split for Area 1B (0 percent January–April and 100 percent in May–December). This would delay fishing in Area 1B to allow for sufficient time for overage or carryover determinations so the industry may be better able to harvest within the sub-ACL. The Area 1B split may increase user-group conflicts, particularly between the midwater trawl herring vessels and recreational anglers who utilize Area 1B in June. With the exception of 2011 and 2012, however, Area 1B has been open year-round to the herring fishery (only in 2012 was it closed in June) without significant conflict with the recreational fishery though the seasonal split may increase herring vessel activity in Area 1B in June.

An Area 2 split of 67 percent in January–February and 33 percent in March–December was considered, but not selected. This seasonal splitting for Area 2 could ensure herring availability towards the end of the year. This could have positive economic benefits for fishing vessels that are jointly catching herring and mackerel at the end of the calendar year. Based on industry input during development of this action, the Council determined that allowing the fleet to operate in Area 2 based on market conditions and fish availability would be more preferable than setting a season in Area 2. Both herring and mackerel availability in this area occur during the winter and can be quite variable, and an early-year split like the one proposed for Area 2 could preclude the fleet from optimizing these fisheries.

Carryover Provisions

Relative to the status quo, the approved measures to allow for carryover of up to 10 percent of sub-ACL benefits the herring industry by increasing operational flexibility and efficiency. For all carryover options, there are slightly higher regulatory and monitoring costs for NMFS. The Council also considered three options for how to apply the carryover, which have different potential economic impacts to affected entities. Under the Preferred Option (Option 1), there would be no corresponding increase in the total stockwide ACL. Under Option 2, an increase in the total stockwide ACL would be possible and the determination would be authorized by the NMFS Regional Administrator. Under Option 3, the total stockwide ACL could increase but could not exceed ABC in any fishing year. These options were not selected by the Council because increasing the stockwide ACL would increase the risk of exceeding overfishing limits for the herring fishery. All options would provide benefits to the herring industry in terms of increased operational flexibility, higher levels of catch in subsequent years, or both. There may be moderate increases in monitoring and reporting costs that would accrue to fishery managers (NMFS) associated with these options.

Impacts of OFL/ABC Alternatives

Relative to the status quo, the specifications for setting the herring constant catch ABC and OFL for 2013–2015 implemented by this rule will result in an increase in OFL and ABC. Increasing, then maintaining a stable OFL and ABC would provide net benefits to the herring industry in the short and long term, relative to the status quo. Moderately higher amounts of catch may result in slightly lower bait costs to the lobster industry. Alternative 3 for setting a declining ABC for 2013–2015 would also increase the overall amount of available catch over the 3-year specifications period and thereby the potential net benefits to the herring industry in the short and long term, relative to the status quo. However, Alternative 3 was rejected because its declining catch limits would provide lower net benefits than Alternative 2, the approved Alternative implemented through this final action, because it would not provide the industry with stable market expectations and improved ability for business planning.

Sub-ACL Options

Relative to the status quo, these specifications would provide 16,600 mt of additional yield each year in 2013–2015 relative to the yield available in 2012. Increasing a sub-ACL results in positive economic impacts, if the increase translates into increased catch. Increases in sub-ACLs that are not likely to be fully utilized will provide minimal, if any, economic benefits. The values of sub-ACLs under consideration in all options are within the range of recent sub-ACLs and catches. This suggests that the herring industry could approach full utilization of the sub-ACLs under any of the options. Relative to the status quo, all alternatives are expected to provide similar benefits because they are primarily distributive in nature.

Impacts of Other 2013–2015 Fishery Specifications

No costs or benefits are expected for the specifications of management uncertainty, RSAs, Fixed Gear Set-Aside (FGSA), DAH, BT, or USAP relative to the status quo.

Accountability Measures

The approved measures would close the directed fishery in each management area at 92 percent of the corresponding area sub-ACL. Relative to the status quo of 95 percent of the sub-ACL, this alternative may limit fishing opportunities, which would be a cost to the industry. However, this measure may also ensure that sub-ACLs are not exceeded and deducted from future ACLs. The measure would close the entire fishery at 95 percent of the total stockwide ACL; this differs from the status quo because there is currently no trigger to close the directed fishery in all areas based on a percentage of the total ACL. This may impose a small short-term cost on the herring industry relative to the status quo, but there are expected to be long-term benefits from reducing ACL overages. Moreover, the 92-percent trigger for the sub-ACLs in the management areas should minimize impacts associated with closures, especially when combined with carryover provisions in Framework 2.

Alternative 3 would continue to rely on herring catch estimation from NMFS' ''year-end'' catch tallying methods to trigger the AM for overage paybacks. The AM for closing the directed fishery in a management area would continue to be triggered based on NMFS' ''in-season'' monitoring but would be modified in the following ways: (1) The AM trigger for closing the directed herring fishery in a management area would be reduced to 92% of the sub-ACL and (2) The current AM to require a pound-for-pound sub-ACL overage deduction based on year-end catch tallies (with a one-year lag) would remain effective, but the deduction would only be required if the sub-ACL is exceeded by 5% or more when overfishing is not occurring and the stock is rebuilt (i.e., above the target biomass). Alternative 3 would have lowered costs to the herring industry but may be less effective at achieving the conservation objectives of the FMP. Under Alternative 4, the closure trigger would be affected by any previous overages. This would increase the management complexity for regulators and the industry because there could be different triggers for each management area. Alternative 4 was rejected because its complexity could slow the implementation of the closures and disrupt the opperations of vessel owners.

Small Entity Compliance Guide

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 states that, for each rule, or group of related rules, for which an agency is required to prepare a FRFA, the agency shall publish one or more guides to assist small entities in complying with the rule and shall designate such publications as ''small entity compliance guides.'' The agency shall explain the actions a small entity is required to make to comply with a rule or group of rules. As part of this rulemaking process, a small entity compliance guide will be sent to all holders of permits issued for the herring fishery. In addition, copies of this final rule and guide (i.e., permit holder letter) are available from the Regional Administrator (see **ADDRESSES**) and may be found at the following Web site: *http://www.nero.noaa.gov.*

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Recordkeeping and reporting requirements.

Dated: September 30, 2013.

Alan D. Risenhoover,

Director, Office of Sustainable Fisheries, performing the functions and duties of the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 648 is amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

■ 1. The authority citation for part 648 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

■ 2. In § 648.14, paragraph (r)(1)(vi)(G) is added to read as follows:

§ 648.14 Prohibitions.

* * * * *

(r) * * *

(1) * * *

(vi) * * *

(G) Fish for, possess, or retain herring in any management area during a season that has zero percent of the herring sub-ACL allocated as specified in § 648.201(d).

* * * * *

■ 3. In § 648.201, paragraphs (a)(1), (d), and (f) are revised to read as follows:

§ 648.201 AMs and harvest controls.

(a) * * *

(1) *Herring sub-ACLs and ACL*— (i) *Management area closure.* If NMFS projects that catch will reach 92 percent of the annual sub-ACL allocated to a management area before the end of the fishing year, or 92 percent of the Area 1A or Area 1B sub-ACL allocated to a seasonal period as set forth in paragraph (d) of this section, NMFS shall prohibit vessels, beginning the date the catch is projected to reach 92 percent of the sub-ACL, from fishing for, possessing, catching, transferring, or landing more than 2,000 lb (907.2 kg) of Atlantic herring per trip in the applicable area, and from landing herring more than once per calendar day, except as provided in paragraphs (b) and (c) of this section. NMFS shall implement these restrictions in accordance with the APA.

(ii) *Herring fishery closure.* If NMFS projects that catch will reach 95 percent of the ACL before the end of the fishing year, NMFS shall prohibit vessels, beginning the date the catch is projected to reach 95 percent of the ACL, from fishing for, possessing, catching, transferring, or landing more than 2,000 lb (907.2 kg) of Atlantic herring per trip in all herring management areas, and from landing herring more than once per calendar day, except as provided in paragraphs (b) and (c) of this section. NMFS shall implement these restrictions in accordance with the APA.

* * * * *

(d) *Seasonal sub-ACL periods.* The sub-ACL for each herring management area may be divided into seasonal periods by month. Seasonal sub-ACLs for herring management areas, including the specification of the seasonal periods, shall be set through the annual specification process described at § 648.200. The seasonal allocation of sub-ACLs are as follows:

(1) *Area 1A:* Zero percent available for harvest during January–May; 100 percent available for harvest during June–December.

(2) *Area 1B:* Zero percent available for harvest during January–April; 100 percent available for harvest during May–December.

(3) *Area 2:* 100 percent available for harvest during January–December.

(4) *Area 3:* 100 percent available for harvest during January–December.

* * * * *

(f) *Carryover.* Subject to the conditions described in this paragraph (f), unharvested catch in a herring management area in a fishing year (up to 10 percent of that area's sub-ACL) shall be carried over and added to the sub-ACL for that herring management area for the fishing year following the year when total catch is determined. For example, NMFS will determine total

catch from 2013 during 2014, and will add carryover to the applicable sub-ACL(s) in 2015. All such carryover shall be based on the herring management area's initial sub-ACL allocation for the fishing year, not the sub-ACL as increased by carryover or decreased by an overage deduction, as specified in paragraph (a)(3) of this section. All herring landed from a herring management area shall count against that area's sub-ACL, as increased by carryover. For example, if 500 mt of herring is added as carryover to a 5,000 mt sub-ACL, catch in that management area would be tracked against a total sub-ACL of 5,500 mt. NMFS shall add sub-ACL carryover only if the ACL, specified consistent with § 648.200(b)(3), for the fishing year in which there is unharvested herring, is not exceeded. The ACL, consistent with § 648.200(b)(3), shall not be increased by carryover specified in this paragraph (f).

[FR Doc. 2013–24271 Filed 9–30–13; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 130408348–3835–02]

RIN 0648–XC894

Fisheries of the Northeastern United States; Atlantic Herring Fishery; Removal of 2,000-lb (907.2-kg) Herring Trip Limit in Atlantic Herring Management Area 2

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule.

SUMMARY: NMFS announces a temporary removal of the 2,000-lb (907.2 kg) trip limit for the Atlantic herring fishery in Management Area 2 (Area 2) because catch data indicate that 95 percent of the total sub-annual catch limit (sub-ACL) threshold in Area 2 has not been fully attained. Vessels issued a Federal permit to harvest Atlantic herring may resume fishing for and landing herring in amounts greater than 2,000 lb (907.2 kg), consistent with their respective Atlantic herring permit categories, effective 0001 hrs, October 1, 2013.

DATES: Effective 0001 hours, October 1, 2013, through December 31, 2013.

FOR FURTHER INFORMATION CONTACT: Christopher Biegel, Fishery Management Specialist, 978–675–9112.

SUPPLEMENTARY INFORMATION: Regulations governing the Atlantic herring fishery are found at 50 CFR part 648. The regulations require annual specification of optimum yield, domestic and foreign fishing, domestic and joint venture processing, and management area sub-ACLs. Final herring specifications for 2013–2015 set the total 2013 total herring ACL at 107,800 mt, allocated to the herring management areas as follows: 29,775 mt to Area 1A; 4,600 mt to Area 1B; 30,000 mt to Area 2; and 42,000 mt to Area 3. This is an increase in the sub-ACL's that had rolled over at the start of the herring fishing year (FY).

Regulations at § 648.201(a) require NMFS to monitor catch from the herring fishery in each of the herring management areas, using dealer reports, state data, and other available information, to determine when the catch of herring is projected to reach 92 percent of the sub-ACL allocated. When such a determination is made, NMFS is required to prohibit, through publication in the **Federal Register**, herring vessel permit holders from fishing for, catching, possessing, transferring, or landing more than 2,000 lb (907.2 kg) of herring, per trip or calendar day, in or from the specified management area for the remainder of the closure period, with the exception of transiting as described below.

NMFS published a temporary rule, effective April 7, 2013, in the **Federal Register** (78 FR 21071, April 9, 2013) projecting that 95 percent (the closure threshold at the time) of the Area 2 sub-ACL had been harvested. Based upon information indicating that 95 percent of the sub-ACL would be reached by April 7, 2013, the temporary rule reduced the herring trip limit for all federally permitted herring vessels to 2,000 lb (907.2 kg) per trip in Area 2; the trip limit reduction was to be effective through December 31, 2013.

Upon implementation of the herring specifications for 2013–2015, the NMFS Northeast Regional Administrator determined, based upon dealer reports and other available information, that the herring fleet had not yet taken 92 percent of the new Area 2 sub-ACL as of September 25, 2013, and that there was approximately 6,079 mt of Atlantic herring quota still available in Area 2. Therefore, to ensure that the herring fleet is able to take up to 92 percent of the Area 2 sub-ACL, consistent with applicable regulations and trip limits, this action removes the 2,000-lb (907.2-kg) trip limit implemented on April 7, 2013, and restores the trip limits, if any, in effect before April 7, 2013, at 0001 hours October 1, 2013. This means that, effective 0001 hrs, October 1, 2013, vessels issued an All Areas Limited Access Herring Permit are authorized to fish for, possess, or land Atlantic herring with no possession restrictions; vessels issued an Areas 2 and 3 Limited Access Herring Permit are authorized to fish for, possess, or land Atlantic herring only if issued an open access herring permit or a Limited Access Incidental Catch Permit; vessels issued a Limited Access Incidental Catch Herring Permit are authorized to fish for, possess, or land up to 55,000 lb (25 mt); and vessels issued an open access herring permit may not fish for, possess, or land more than 6,600 lb (3 mt) of Atlantic herring in Area 2.

Effective 0001 hrs, October 1, 2013, federally permitted dealers are advised that they may purchase more than 2,000 lb (907.2 kg) of Atlantic herring caught in Area 2 by federally permitted vessels.

Classification

This action is taken under 50 CFR part 648 and is exempt from review under E.O. 12866. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause pursuant to 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment because it would be contrary to the public interest. This action removes the 2,000-lb (907.2-kg) herring trip limit in Area 2 at 0001 hours October 1, 2013. The Atlantic herring fishery opened for FY 2013 at 0001 hrs on January 1, 2013. The Atlantic herring fleet was prohibited from fishing for, catching, possessing, transferring, or landing more than 2,000 lb (907.2 mt) per trip or calendar day on April 7, 2013, based on projections that 95 percent of the available Area 2 herring sub-ACL had been harvested. If implementation of this temporary removal of the 2,000-lb (907.2-kg) trip limit is delayed to solicit prior public comment, the remaining quota may not be fully harvested before the end of FY 2013 on December 31. The AA finds, pursuant to 5 U.S.C. 553(d)(3), good cause to waive the 30-day delayed effectiveness period for the reasons stated above.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 30, 2013.

Kelly Denit,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2013–24283 Filed 9–30–13; 4:15 pm]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 78, No. 193

Friday, October 4, 2013

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

COMMISSION ON CIVIL RIGHTS

State Advisory Committees; Request for Applications

AGENCY: United States Commission on Civil Rights.

ACTION: Notice of period during which individuals may apply to be appointed to the Hawaii Advisory Committee; request for applications.

SUMMARY: Because the terms of the members of the Hawaii Advisory Committee are expiring as of January 18, 2014, the United States Commission on Civil Rights hereby invites any individual who is eligible to be appointed to apply. The memberships covered by this notice are exclusively for the Hawaii Advisory Committee, and applicants must be residents of Hawaii to be considered. Letters of interest must be received by the Western Regional Office of the U.S. Commission on Civil Rights no later than November 18, 2013. Letters of interest must be sent to the address listed below.

DATES: Letters of interest for membership on the Hawaii Advisory Committee should be received no later than November 18, 2013.

ADDRESSES: Send letters of interest to: U.S. Commission on Civil Rights, Western Regional Office, 300 North Los Angeles Street, Suite 2010, Los Angeles, CA 90012. Letter can also be sent via email to *atrevino@usccr.gov.*

FOR FURTHER INFORMATION CONTACT: Peter Minarik, Acting Regional Director, Western Regional Office, (213) 894–3437, *pminarik@usccr.gov.*

SUPPLEMENTARY INFORMATION: The Hawaii Advisory Committees (SAC) is a statutorily mandated advisory committee of the U.S. Commission on Civil Rights pursuant to 42 U.S.C. 1975a. Under the charter for the SAC, the purpose is to provide advice and recommendations to the U.S. Commission on Civil Rights (Commission) on a broad range of civil rights matters in its respective state that pertain to alleged deprivations of voting rights or discrimination or denials of equal protection of the laws because of race, color, religion, sex, age, disability, or national origin, or the administration of justice. SACs also provide assistance to the Commission in its statutory obligation to serve as a national clearinghouse for civil rights information.

The SAC consists of not more than x members, each of whom will serve a two-year term. Members serve as unpaid Special Government Employees who are reimbursed for travel and expenses. To be eligible to be on a SAC, applicants must be residents of Hawaii and have demonstrated expertise or interest in civil rights issues.

The Commission is an independent, bipartisan agency established by Congress in 1957 to focus on matters of race, color, religion, sex, age, disability, or national origin. Its mandate is to:

- Investigate complaints from citizens that their voting rights are being deprived,
- Study and collect information about discrimination or denials of equal protection under the law,
- Appraise federal civil rights laws and policies,
- Serve as a national clearinghouse on discrimination laws,
- Submit reports and findings and recommendations to the President and the Congress, and
- Issue public service announcements to discourage discrimination.

The Commission invites any individual who is eligible to be appointed a member of the Hawaii Advisory Committee covered by this notice to send a letter of interest and a resume to the address above.

Dated: September 29, 2013.

David Mussatt,

Acting Chief, Regional Programs Coordination Unit.

[FR Doc. 2013–24299 Filed 10–3–13; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC909

Pacific Fishery Management Council (Pacific Council); Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meetings.

SUMMARY: The Pacific Council will host a webinar meeting of the Council Coordination Committee (CCC) consisting of the eight Regional Fishery Management Council (RFMC) chairs, vice chairs, and executive directors and its subcommittees. The intent of this meeting is to discuss issues of relevance to the CCC, including: Magnuson-Stevens Act reauthorization priorities, CCC terms of reference, Department of Commerce Office of the Inspector General report action plan, decisions and follow-up activities, and, as time allows, other topics of concern to the RFMCs.

DATES: The meeting will be held October 23–24, 2013. The meeting will begin at 11 a.m. Pacific Daylight Time (PDT) on Wednesday, October 23, 2013, and recess at 2 p.m. PDT, or when business is complete, reconvene at 11 a.m. PDT on Thursday, October 24, 2013, and recess at 2 p.m. PDT, or when business is complete, with breaks as determined by the Pacific Council Chair.

ADDRESSES: The meeting will be held by web-based media, with attendance information posted on the Pacific Council Web site.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220.

FOR FURTHER INFORMATION CONTACT: Dr. Donald O. McIsaac, Executive Director; telephone: 503–820–2280 or 866–806–7204 toll free; or access the Pacific Council Web site, *http://www.pcouncil.org* for the current meeting location, proposed agenda, and meeting briefing materials.

SUPPLEMENTARY INFORMATION: The Magnuson-Stevens Fishery Conservation and Management

Reauthorization Act (MSA) of 2006 established the CCC by amending Section 302 (16 U.S.C. 1852) of the MSA. The CCC consists of the chairs, vice chairs, and executive directors of each of the eight RFMCs authorized by the MSA or other Council members or staff. The meeting is open to the public who wish to participate by webinar; instructions for participation will be posted on the Pacific Council's Web site (found at *http://www.pcouncil.org/*). Written public comments submitted prior to 8 a.m. PDT October 21 to the Pacific Council (see **ADDRESSES**) will be posted, along with other materials relevant to discussions at the CCC meeting, at *http://www.pcouncil.org/council-operations/council-meetings/ccc-oct-2013/*.

Agenda

Wednesday, October 23, 2013

11 a.m. PDT

Call to Order
Open Public Comment
MSA Reauthorization Priorities

2 p.m. PDT

Recess for the day

Thursday, October 24, 2013

11 a.m. PDT

MSA Reauthorization Priorities
CCC Terms of Reference
Office of Inspector General Action Plan
Allocation Review Process
Discussion of Follow-up Activities
Other Business if Time Allows, such as:
- Allocation Review Processes
- Budget Updates
- ESA Transparency
- Stock Assessment Prioritization Plan

2 p.m. PDT

Adjourn

The timing and order in which agenda items are addressed may change as required to effectively address the issues. The CCC may meet as late as necessary to complete scheduled business.

Although non-emergency issues not contained in this agenda may come before this group for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), those issues may not be the subject of formal action during these meetings. Actions will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt at (503) 820–2280 at least 5 days prior to the meeting date.

Dated: September 30, 2013.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2013–24286 Filed 10–3–13; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC914

Pacific Fishery Management Council (Pacific Council); Public Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of public meetings.

SUMMARY: The Pacific Council and its advisory entities will hold public meetings.

DATES: The Pacific Council and its advisory entities will meet October 30-November 6, 2013. The Pacific Council meeting will begin on Friday, November 1, 2013 at 8 a.m., reconvening each day through Wednesday, November 6, 2013. All meetings are open to the public, except a closed session will be held at the end of the scheduled agenda on Friday, November 1 to address litigation and personnel matters. The Pacific Council will meet as late as necessary each day to complete its scheduled business.

ADDRESSES: Meetings of the Pacific Council and its advisory entities will be held at the Hilton Orange County Costa Mesa, 3050 Bristol Street, Costa Mesa, CA 92626; telephone: (714) 540–7000. Instructions for attending the meeting via live stream broadcast are given under **SUPPLEMENTARY INFORMATION** below.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220.

FOR FURTHER INFORMATION CONTACT: Dr. Donald O. McIsaac, Executive Director; telephone: (503) 820–2280 or (866) 806–7204 toll free; or access the Pacific Council Web site, *http://www.pcouncil.org* for the current meeting location, proposed agenda, and meeting briefing materials.

SUPPLEMENTARY INFORMATION: The November 1–6, 2013 meeting of the Pacific Fishery Management Council will be streamed live on the internet. The live meeting will be broadcast daily starting at 8 a.m. Pacific Time (PT) beginning on Friday, November 1, 2013 through Wednesday, November 6, 2013. The broadcast will end daily at 6 p.m. PT or when business for the day is complete. Only the audio portion, and portions of the presentations displayed on the screen at the Council meeting, will be broadcast. The audio portion is listen-only; you will be unable to speak to the Council via the broadcast. Attend the broadcast meeting online by going to *http://www.joinwebinar.com* and entering the Webinar ID for November, which is 153–873–807, and then enter your email address as required. The audio and visual portions of the broadcast may be attended using a computer, tablet, or smart phone, using the GoToMeeting application. It is recommended that you use a computer headset to listen to the meeting, but if you do not have a headset or speakers, you may use your telephone for the audio portion of the meeting. The audio portion alone may be attended using a telephone by dialing the toll number 1–415–655–0057; phone audio access code 646–294–165 (not a toll-free number).

The following items are on the Pacific Council agenda, but not necessarily in this order.

A. Call to Order
  1. Opening Remarks
  2. Roll Call
  3. Executive Director's Report
  4. Approve Agenda
B. Open Comment Period
  Comments on Non-Agenda Items
C. Salmon Management
  1. National Marine Fisheries Service (NMFS) Report
  2. 2014 Salmon Methodology Review
  3. Preseason Salmon Management Schedule for 2014
D. Habitat
  Current Habitat Issues
E. Coastal Pelagic Species Management
  1. NMFS Report
  2. 2014 Exempted Fishing Permit Notice of Intent
  3. Establish Maximum Sustainable Yield Reverence Point for Northern Anchovy
  4. 2014 Methodology Review Process and Preliminary Topic Selection
  5. Pacific Sardine Stock Assessment and Management for 2014, Including Tribal Set-Aside

F. Enforcement Issues
Federal Enforcement Priorities and Other Enforcement Issues
G. Pacific Halibut Management
2014 Pacific Halibut Regulations
H. Groundfish Management
1. Seabird Avoidance Regulations
2. Exempted Fishing Permit
2. Sablefish Permit Stacking Program Review Scoping
3. Stock Complex Restructuring
4. Stock Assessments and Rebuilding Analyses
5. Biennial Harvest Specifications for 2015–2016 Groundfish Fisheries
6. Essential Fish Habitat (EFH) Review Phase 2 Report and Proposals to Modify EFH
7. Electronic Monitoring Alternatives
8. Consideration of Inseason Adjustments
9. Biennial Management Specifications for 2015–2016 Groundfish Fisheries
I. Administrative Matters
1. Regional Operating Agreement
2. Magnuson-Stevens Act Reauthorization Priorities and Other Legislative Matters
3. Approval of Council Meeting Minutes
4. Fiscal Matters
5. Advisory Body Position Appointments and Council Operating Procedures
6. Future Council Meeting Agenda and Workload Planning

SCHEDULE OF ANCILLARY MEETINGS

	Time
Wednesday, October 30, 2013:	
Groundfish Tier 1 Environmental Impact Statement Ecosystem Workshop	8 a.m.
Scientific and Statistical Groundfish and Ecosystem Subcommittees	1 p.m.
Thursday, October 31, 2013:	
Groundfish Management Team	8 a.m.
Habitat Committee	8 a.m.
Salmon Advisory Subpanel	8 a.m.
Scientific and Statistical Committee	8 a.m.
Legislative Committee	9 a.m.
Budget Committee	1 p.m.
Friday, November 1, 2013:	
California State Delegation	7 a.m.
Oregon State Delegation	7 a.m.
Washington State Delegation	7 a.m.
Coastal Pelagic Species Advisory Subpanel	8 a.m.
Coastal Pelagic Species Management Team	8 a.m.
Groundfish Management Team	8 a.m.
Salmon Advisory Subpanel	8 a.m.
Scientific and Statistical Committee	8 a.m.
Groundfish Advisory Subpanel	11 a.m.
Enforcement Consultants	3 p.m.
Annual Awards Banquet	6 p.m.
Saturday, November 2, 2013:	
California State Delegation	7 a.m.
Oregon State Delegation	7 a.m.
Washington State Delegation	7 a.m.
Coastal Pelagic Species Advisory Subpanel	8 a.m.
Coastal Pelagic Species Management Team	8 a.m.
Groundfish Advisory Subpanel	8 a.m.
Groundfish Management Team	8 a.m.
Enforcement Consultants	as Needed.
Sunday, November 3, 2013:	
California State Delegation	7 a.m.
Oregon State Delegation	7 a.m.
Washington State Delegation	7 a.m.
Groundfish Advisory Subpanel	8 a.m.
Groundfish Management Team	8 a.m.
Enforcement Consultants	as Needed.
Monday, November 4, 2013:	
California State Delegation	7 a.m.
Oregon State Delegation	7 a.m.
Washington State Delegation	7 a.m.
Groundfish Advisory Subpanel	8 a.m.
Groundfish Management Team	8 a.m.
Enforcement Consultants	as Needed.
NMFS Forage Fish Indicator Species Session	6 p.m.
Tuesday, November 5, 2013:	
California State Delegation	7 a.m.
Oregon State Delegation	7 a.m.
Washington State Delegation	7 a.m.
Groundfish Advisory Subpanel	8 a.m.
Groundfish Management Team	8 a.m.
Enforcement Consultants	as Needed.
Wednesday, November 6, 2013:	
California State Delegation	7 a.m.
Oregon State Delegation	7 a.m.
Washington State Delegation	7 a.m.

Although non-emergency issues not contained in this agenda may come before this Council for discussion, those issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Carolyn Porter at (503) 820–2280 at least 5 days prior to the meeting date.

Dated: September 30, 2013.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2013–24310 Filed 10–3–13; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC912

Gulf of Mexico Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Meeting of the Gulf of Mexico Fishery Management Council.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will hold meetings of the: Mackerel, Sustainable Fisheries/Ecosystem, and Reef Fish Management Committees; and a meeting of the Full Council. The Council will also hold an informal public question and answer session regarding agenda items and a formal public comment session.

DATES: The Council meeting will be held from 1 p.m. on Monday, October 28 until 12 noon on Thursday, October 31, 2013.

ADDRESSES:

Meeting address: The meeting will be held at the DoubleTree Hotel, 300 Canal Street, New Orleans, LA 70130; telephone: (504) 581–1300.

Council address: Gulf of Mexico Fishery Management Council, 2203 North Lois Avenue, Suite 1100, Tampa, FL 33607.

FOR FURTHER INFORMATION CONTACT: Mr. Douglas Gregory, Executive Director, Gulf of Mexico Fishery Management Council; telephone: (813) 348–1630; fax: (813) 348–1711; email: *doug.gregory@gulfcouncil.org.*

SUPPLEMENTARY INFORMATION: The items of discussion for each individual management committee agenda are as follows:

Mackerel Management Committee, Monday, October 28, 2013, 1 p.m. Until 3 p.m.

1. Take Final Draft on CMP Amendment 20A (previously CMP Amendment 19).
2. Take Final Draft on CMP Amendment 20B (previously CMP Amendment 20).
3. Discuss Additional Motions from the South Atlantic September 2013 Council meeting.
4. Discuss the Purpose and Timing of CMP Amendment 24.
5. Review SAFMC's Framework Action addressing king mackerel trip limits and allowable Spanish mackerel nets.
6. Other Business—Review the Regional Electronic Technology Implementation Plan.

Sustainable Fisheries/Ecosystem Management Committee, Monday, October 28, 2013, 3 p.m. Until 5:30 p.m.

1. Review of the Law Enforcement Advisory Panel Report.
2. Review of Draft Framework Action—Update Tier 3 ACLs with Revised Marine Recreational Information Program (MRIP) Landings.
3. Review of Generic Amendment—Default Status Determination Criteria, Optimum Yield Definition, and Adoption of Annual Catch Limits for Red Snapper Scoping Document.
4. Review of Framework Action to Define Operating as a Charter Vessel or Headboat in the Gulf of Mexico.

Reef Fish Management Committee, Tuesday, October 29, 2013, 8:30 a.m. Until 11:30 a.m. and 1 p.m. Until 4 p.m.

1. Receive a summary from the October 2013 Reef Fish Scientific and Statistical Committee (SSC) meeting.
2. Take Final Action on Amendment 39—Recreational Red Snapper Regional Management.
3. Review of Draft Framework Action to Rescind Amendment 30B Permit Conditions.
4. Discuss the Ad Hoc Red Snapper IFQ Advisory Panel Charge.
5. Review of Scoping/Options Paper for Sector Separation.
6. Discuss Exempted Fishing Permits related to Reef Fish (if any).

Council Session Agenda, Tuesday, October 29, 2013, 4 p.m. Until 5 p.m.

4 p.m.–4:20 p.m.: Call to Order and Introductions, adoption of agenda and approval of minutes, and approval of proposed 2014 Committee Appointments.

4:20 p.m.–4:30 p.m.: The Council will review and vote on Exempted Fishing Permits (EFP), if any.

4:30 p.m.–5 p.m.: The Council will discuss the Red Drum Tagging Program.

Note: Immediately following recess will be an informal public Question and Answer Session on Gulf of Mexico fishery management issues on Tuesday, October 29, 2013.

Council Session Agenda, Wednesday, October 30, 2013, 8:30 a.m. Until 5:30 p.m.

8:30 a.m.–12 noon: The Council will meet as a committee of the whole for Data Collection, Shrimp and Sustainable Fisheries/Ecosystem Management Committees.

1:30 p.m.–4:30 p.m.: The Council will receive public testimony on Final Mackerel Amendments 20A—Coastal Migratory Pelagics Sale and Permit Provisions and Final Amendment 20B—Modifications to the Coastal Migratory Pelagics Zone Management, and on Final Action—Reef Fish Amendment 39—Regional Management of Recreational Red Snapper. The Council will also hold an open public comment period regarding any other fishery issues or concerns. People wishing to speak before the Council should complete a public comment card prior to the comment period.

4:30 p.m.–5:30 p.m.: The Council will receive a committee report from the Mackerel Management Committee.

Council Session Agenda, Thursday, October 31, 2013, 8:30 a.m. Until 11:45 a.m.

8:30 a.m.–10:30 a.m.: The Council will receive a committee report from the Reef Fish Management Committee.

10:30 a.m.–11:30 a.m.: The Council will review Other Business items: Joint Law Enforcement Report, the SEDAR Steering Committee Report, and review of the SEDAR schedule.

11:30 a.m.–11:45 p.m.: The Council will review the Action Schedule.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically identified in this notice and

any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kathy Pereira at the Council Office (see **ADDRESSES**), at least 5 working days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 30, 2013.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2013–24287 Filed 10–3–13; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Notice of Intent To Prepare an Environmental Impact Statement: Department of the Army Permit Application Pursuant to the Clean Water Act and Rivers and Harbors Act and Permissions Under the Coastal Protection and Restoration Authority of Louisiana for the Mid-Barataria Sediment Diversion, Plaquemines Parish, LA

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of Intent.

SUMMARY: The U.S. Army Corps of Engineers (USACE) intends to prepare an Environmental Impact Statement (EIS) to inform a decision relative to the request for a Department of the Army (DA) permit pursuant to Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act, and permissions under 33 U.S.C. Section 408, to the Coastal Protection and Restoration Authority (CPRA) for their proposed action on the Mid-Barataria Sediment Diversion (MBSD). The EIS will be used to ensure compliance with the National Environmental Policy Act (NEPA) and as a basis for both the permit decision and the Section 408 permissions.

The DA permit and the 408 permissions are two separate processes with different authorities analyzed by different mission areas (including Regulatory and Civil Works) inside the USACE. Under Section 404 of the CWA and Section 10 of the Rivers and Harbors Act, the District Engineer permits the discharge of dredged or fill material into waters of the United States as well as work, to include the installation and maintenance of structures, in navigable waters of the U.S., if the discharge meets the requirements of the Environmental Protection Agency's 404(b)(1) guidelines, and the proposal is determined to not be contrary to the overall public interest. Under 33 U.S.C. 408, the Chief of Engineers grants permission to alter, modify, or impair an existing USACE project if it is not injurious to the public interest and does not impair the usefulness of such work. The project involves structural crossings of the Federal Mississippi River and Tributaries (MR&T) Levee and the future New Orleans to Venice (NOV) Hurricane Protection Levee and could impact the Mississippi River Navigation Channel, Davis Pond Freshwater Diversion as well as other Federal projects. USACE Regulatory and Civil Works will coordinate on all aspects of the production of the EIS.

ADDRESSES: Written comments and suggestions should be addressed to Mr. Nathan Dayan at USACE, CEMVN–PDN–CEP, P.O. Box 60267, New Orleans, LA 70118–0267, by phone (504) 862–2530, or by email at *CEMVN-Midbarataria@usace.army.mil.* Request to be placed on the mailing list should be mailed to this address.

FOR FURTHER INFORMATION CONTACT: Questions on the DA permit should be directed to: Mr. Robert Tewis by phone (504) 862–2041 or at the email above. Questions on the 408 permissions should be directed to: Mr. Nathan Dayan (see **ADDRESSES**) or at the email above.

SUPPLEMENTARY INFORMATION:

1. *Authority:* Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408); Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C 403); Section 404 of the Clean Water Act (33 U.S.C. 1344); and, Section 102 of the National Environmental Policy Act (42 U.S.C. 4332).

2. *Proposed Action.* The USACE will prepare an EIS to analyze the impacts of diverting sediment-laden Mississippi River water into the Mid-Barataria Basin by CPRA. This permit request is proposed to re-establish a connection between the Mississippi River and the Basin to build, sustain, and maintain land. CPRA is proposing to construct the diversion intake through the levee on the west side of the Mississippi River at approximately river mile 60.7, in Plaquemines Parish, LA, and the diversion outfall through the future NOV Hurricane Protection Levee into the Mid-Barataria Basin to allow sediment laden water from the Mississippi River to flow into the Barataria Basin.

3. *Alternatives.* The EIS will address an array of alternatives to re-establish a connection between the Mississippi River and the Basin. Some alternatives will be brought forward from existing studies and projects including the Coastal Wetlands Planning, Protection and Restoration Act (CWPPRA) Program, Louisiana Coastal Area (LCA) Ecosystem Restoration Study, LCA Medium Diversion at Myrtle Grove (MDMG) with Dedicated Dredging Feasibility Study, the State/Non-governmental Organization (NGO) Myrtle Grove Delta Building Diversion Modeling Effort in Support of LCA Medium Diversion at Myrtle Grove with Dedicated Dredging, the 2012 Louisiana Coastal Master Plan, and alternatives developed through the NEPA scoping process.

4. *Scoping.* Scoping is the process utilized for determining the range of alternatives and significant issues to be addressed in the EIS. The USACE invites full public participation to promote open communication on the issues surrounding the proposed action. All individuals, organizations, NGOs, and local, state, and Federal agencies that have an interest are urged to participate in the NEPA scoping process. Public scoping meeting(s) will be held to present information to the public and to receive comments from the public. Public scoping meetings for both processes will be conducted jointly. The dates, times and locations of the scoping meetings will be determined in conjunction with CPRA at a later date and announced through local media channels as well as Regulatory public notice Web site—*http://www.mvn.usace.army.mil/Missions/Regulatory/PublicNotices.aspx.*

5. *Significant issues.* The EIS will analyze the potential social, economic, and natural environmental impacts resulting from the proposed project. Important resources and issues that will be evaluated in the EIS could include but would not be limited to effects on tidal wetlands and other waters of the U.S.; aquatic resources; commercial and recreational fisheries; wildlife resources; essential fish habitat; water quality; cultural resources; geology and soils including agricultural and prime/unique

farmland; hydrology and hydraulic; air quality; threatened and endangered species and critical habitat. Socioeconomic issues include navigation; induced flooding; land use; property values, tax revenues; population and housing, community and regional growth; environmental justice (effect on minorities and low income populations), community cohesion; public services, recreation, transportation and traffic, utilities and community service systems and cumulative effects of related projects in the study area.

6. *Environmental Consultation and Review.* The U.S. Fish and Wildlife Service (Service) will assist in documenting existing conditions and assessing effects of project alternatives through the Fish and Wildlife Coordination Act consultation procedures. Consultation will be accomplished with the USFWS and the National Marine Fisheries Service (NMFS) concerning threatened and endangered species and their critical habitat per the Endangered Species Act. The NMFS will be consulted regarding the effects of this proposed action on Essential Fish Habitat per the Magnuson-Stevens Act. The USACE will consult with the State Historic Preservation Officer per the National Historic Preservation Act.

7. *Availability.* The draft EIS is estimated to be available for public review and comment no sooner than the spring of 2015. At that time a 45-day public review period will be provided for individuals and agencies to review and comment on the DEIS. All interested parties are encouraged to respond to this notice and provide a current address if they wish to be notified of the DEIS circulation.

Dated: September 26, 2013.

Richard L. Hansen,

Colonel, U.S. Army District Commander.

[FR Doc. 2013–24234 Filed 10–3–13; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

North Atlantic Coast Comprehensive Study

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice.

SUMMARY: The U.S. Army Corps of Engineers (USACE) is requesting peer reviewed information that would be useful in the preparation of the North Atlantic Coast Comprehensive Study (Hurricane Sandy). The USACE is preparing a report that will be submitted to Congress in 2015. The goals of the North Atlantic Coast Comprehensive Study authorized under the Disaster Relief Appropriations Act, Public Law 113–2 are to (1) provide risk reduction strategies to reduce risk to which vulnerable coastal populations are subject, and (2) promote coastal resilient communities to ensure a sustainable and robust coastal landscape system, considering future sea level rise and climate change scenarios, to reduce risk to vulnerable population, property, infrastructure and ecosystems.

DATES: The USACE will accept data and literature in response to this request until December 31, 2013.

ADDRESSES: Methods for submission include: *Email:* Send information by electronic mail to: *NACCS@usace.army.mil.* Please include your name and contact information in the body of your email. *Fax:* Fax information to: (410–962–4698), ATTN: Mr. David Robbins. *Mail:* Send information by mail to: Mr. David Robbins, U.S. Army Corps of Engineers, 10 South Howard Street Baltimore Maryland 21201, ATTN: North Atlantic Coast Comprehensive Study.

Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. Information on a CD ROM should be formatted as a MS Word, Rich Text, or Adobe Acrobat PDF file.

FOR FURTHER INFORMATION CONTACT: For further information, please contact: Mr. David Robbins, Project Manager, at *David.W.Robbins@usace.army.mil,* or by telephone at (410) 962–0685.

SUPPLEMENTARY INFORMATION: The Congressional response to the devastation in the wake of Hurricane Sandy included a mandate to address as a regional system the vulnerability of populations at risk in the U.S. Army Corps of Engineers (USACE) North Atlantic Division. The draft analyses of the Comprehensive Study will be coordinated amongst interagency stakeholders in early 2014 and a report will be submitted to Congress in 2015.

The USACE would appreciate receiving information from the public to facilitate the preparation of the Study. The USACE prefers information which has been peer reviewed. Interested persons may provide scientific analyses, studies, and other pertinent scientific information, preferably information which has undergone scientific peer review. The USACE will consider all submissions but will give preference to all peer reviewed data and literature sources. Please understand that not all data and sources provided may be reflected in the draft analyses socialized in early 2014, but the resources will be incorporated into the final report.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2013–24237 Filed 10–3–13; 8:45 am]

BILLING CODE 3720–58–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9011–5]

Environmental Impacts Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7146 or *http://www.epa.gov/compliance/nepa/.*

Weekly receipt of Environmental Impact Statements

Filed 09/23/2013 through 09/27/2013

Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *http://www.epa.gov/compliance/nepa/eisdata.html.*

EIS No. 20130287, Final EIS, USFS, ID, Idaho Panhandle National Forests, Revised Land Management Plan, *Review Period Ends:* 11/26/2013, *Contact:* Mary Farnsworth 208–765–7223.

The above document was inadvertently omitted from EPA's **Federal Register** Notice Published 09/27/2013. The review/wait period will start 09/27/2013 and end 11/26/2013.

EIS No. 20130288, Final EIS, USACE, TX, Luce Bayou Interbasin Transfer Project, *Review Period Ends:* 11/04/2013, *Contact:* Jayson Hudson 409–766–3108.

EIS No. 20130289, Draft EIS, USACE, CA, Los Angeles River Ecosystem Restoration Integrated Feasibility Report, *Comment Period Ends:* 11/18/2013, *Contact:* Erin Jones 213–300–9723.

EIS No. 20130290, Draft EIS, NPS, CA, Restoration of Native Species in High Elevation Aquatic Ecosystems Plan, Sequoia and Kings Canyon National Parks, *Comment Period Ends:* 11/25/2013, *Contact:* Woodrow Smeck 559–565–3101.

EIS No. 20130291, Final EIS, BOEM, 00, Gulf of Mexico OCS Oil and Gas Lease Sales: 2014 and 2016; Eastern

Planning Area Lease Sales 225 and 226, *Review Period Ends:* 11/04/2013, *Contact:* Gary Goeke 504–736–3233.

EIS No. 20130292, Final Supplement, DOE, NM, Long-Term Management and Storage of Elemental Mercury, *Review Period Ends:* 11/04/2013, *Contact:* David Levenstein 301–903–6500.

EIS No. 20130293, Final EIS, BLM, ID, Jump Creek, Succor Creek, and Cow Creek Watersheds Grazing Permit Renewal, *Review Period Ends:* 11/04/2013, *Contact:* Jake Vialpando 208–373–3814.

EIS No. 20130294, Final EIS, USACE, MA, South Coast Rail Project, *Review Period Ends:* 11/04/2013, *Contact:* Alan R. Anacheka-Nasemann 978–318–8214.

EIS No. 20130295, Final EIS, USAF, UT, United States Air Force F–35A Operational Basing, *Review Period Ends:* 11/04/2013, *Contact:* Nicholas Germanos 757–764–5007.

EIS No. 20130296, Final EIS, AFS, WY, Sherman Cattle and Horse Allotment Grazing Authorization and Management Project, *Review Period Ends:* 11/15/2013, *Contact:* Chad Hayward 307–276–5817.

EIS No. 20130297, Draft EIS, USACE, LA, Calcasieu Lock Louisiana Feasibility Study, *Comment Period Ends:* 11/18/2013, *Contact:* Timothy K. George 314–331–8459.

EIS No. 20130298, Final EIS, NRCS, AR, ADOPTION—Bayou Meto Basin, Arkansas General Reevaluation Project, *Contact:* Charlotte Bowie 501–301–3148.

The U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS) has adopted the U.S. Army Corps of Engineers' FEIS #20060499, filed 11/30/2006. The NRCS was a cooperating agency. Recirculation of the document is not necessary under Section 1506.3(b) of the Council of Environmental Quality Regulations.

EIS No. 20130299, Final EIS, NRCS, AR, ADOPTION—Grand Prairie Area Demonstration Project, *Contact:* Charlotte Bowie 501–301–3148.

The U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS) has adopted the U.S. Army Corps of Engineers' FEIS #19990465, filed 12/08/1999. The NRCS was a cooperating agency. Recirculation of the document is not necessary under Section 1506.3(b) of the Council of Environmental Quality Regulations.

Amended Notices

EIS No. 20130087, Draft EIS, BLM, NM, TriCounty Resource Management Plan, *Comment Period Ends:* 10/15/2013, *Contact:* Jennifer Montoya 575–525–4316. Revision to FR Notice Published 04/12/2013; Extending Comment Period from 07/11/2013 to 10/15/2013.

Dated: September 30, 2013.

Cliff Rader,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2013–24315 Filed 10–3–13; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 28, 2013.

A. Federal Reserve Bank of Dallas (E. Ann Worthy, Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *Independent Bank Group, Inc.,* McKinney, Texas; to merge with Live Oak Financial Corp., and thereby indirectly acquire Live Oak State Bank, both in Dallas, Texas.

Board of Governors of the Federal Reserve System, September 30, 2013.

Margaret McCloskey Shanks,

Deputy Secretary of the Board.

[FR Doc. 2013–24326 Filed 10–3–13; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in or To Acquire Companies Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR part 225) to engage *de novo,* or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 28, 2013.

A. Federal Reserve Bank of St. Louis (Yvonne Sparks, Community Development Officer) P.O. Box 442, St. Louis, Missouri 63166–2034:

1. Midland States Bancorp, Inc., Effingham, Illinois; to acquire 100 percent of the voting shares of Heartland Bank, St. Louis, Missouri, and thereby engage in operating a savings association, pursuant to section 225.28(b)(4)(ii).

Board of Governors of the Federal Reserve System, September 30, 2013.

Margaret McCloskey Shanks,

Deputy Secretary of the Board.

[FR Doc. 2013–24325 Filed 10–3–13; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–2746, CMS–2728, CMS–P–0015A, CMS–43, CMS–10137, CMS–10156, CMS–10170, CMS–10237, CMS–10261, CMS–10326, and CMS–10493]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by November 4, 2013.

ADDRESSES: When commenting on the proposed information collections, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be received by the OMB desk officer via one of the following transmissions: OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer, Fax Number: (202) 395–6974 *OR* Email: *OIRA_submission@omb.eop.gov.*

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995.*

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: Reports Clearance Office at (410) 786–1326.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Revision of a previously approved collection; *Title of Information Collection:* End Stage Renal Disease Death Notification; *Use:* The End Stage Renal Disease (ESRD) Death Notification (CMS–2746) is completed by all Medicare-approved ESRD facilities upon the death of an ESRD patient. Its primary purpose is to collect fact of death and cause of death of ESRD patients. Certain other identifying information (e.g., name, Medicare claim number, and date of birth) is required for matching purposes. federal regulations require that the ESRD Networks examine the mortality rates of every Medicare-approved facility within its area of responsibility. The death form provides the necessary data to assist the ESRD Networks in making decisions that result in improved patient care and in cost-effective distribution of ESRD resources. The data is used by the ESRD Networks to verify facility deaths and to monitor facility performance. *Form Number:* CMS–2746 (OCN: 0938–0448); *Frequency:* On occasion; *Affected Public:* Business or other for-profit and Not-for-profit institutions; *Number of Respondents:* 5,964; *Total Annual Responses:* 75,000; *Total Annual Hours:* 37,500. (For policy questions regarding this collection contact Michelle Tucker at 410–786–0736.)

2. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* End Stage Renal Disease Medical Evidence Report Medicare Entitlement and/or Patient Registration; *Use:* The End Stage Renal Disease (ESRD) Medical Evidence Report is completed for all ESRD patients either by the first treatment facility or by a Medicare-approved ESRD facility when it is determined by a physician that the patient's condition has reached that stage of renal impairment that a regular course of kidney dialysis or a kidney transplant is necessary to maintain life. The data reported on the CMS–2728 is used by the Federal government, ESRD Networks, treatment facilities, researchers and others to monitor and assess the quality and type of care provided to end stage renal disease beneficiaries. The data collection captures the specific medical information required to determine the Medicare medical eligibility of End Stage Renal Disease claimants. *Form Number:* CMS–2728 (OCN: 0938–0046); *Frequency:* Occasionally; *Affected Public:* Individuals or households; *Number of Respondents:* 130,000; *Total Annual Responses:* 130,000; *Total Annual Hours:* 97,500. (For policy questions regarding this collection contact Michelle Tucker at 410–786–0736.)

3. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Medicare Current Beneficiary Survey; *Use:* We are the largest single payer of health care in the United States. With full implementation of the Affordable Care Act of 2010 (ACA), the agency will play a direct or indirect role in administering health insurance coverage for more than 120 million people across the Medicare, Medicaid, CHIP, and Exchange populations. One of our critical aims is to be an effective steward, major force, and trustworthy partner in leading the transformation of the health care system. We also aim to provide Americans with high quality care and better health at lower costs through improvement. At the forefront of these initiatives is the newly formed Center for Medicare and Medicaid Innovation (CMMI).

The CMMI is authorized by Section 1115A of the Social Security Act, as established by section 3021 of the ACA and was established to ''test innovative payment and service delivery models to reduce program expenditures . . . while

preserving or enhancing the quality of care furnished'' to Medicare, Medicaid and CHIP beneficiaries. Implicit across all of CMMI activities is an emphasis on diffusion—finding and validating innovative models that have the potential to scale, facilitating rapid adoption, and letting them take root in organizations, health systems, and communities across America.

The Medicare Current Beneficiary Survey (MCBS) is the most comprehensive and complete survey available on the Medicare population and is essential in capturing data not otherwise collected through our operations. The MCBS is an in-person, nationally-representative, longitudinal survey of Medicare beneficiaries that we sponsor and is directed by the Office of Information Products and Data Analytics (OIPDA) in partnership with the CMMI. The survey captures beneficiary information whether aged or disabled, living in the community or facility, or serviced by managed care or fee-for-service. Data produced as part of the MCBS are enhanced with our administrative data (e.g. fee-for-service claims, prescription drug event data, enrollment, etc.) to provide users with more accurate and complete estimates of total health care costs and utilization. The MCBS has been continuously fielded for more than 20 years (encompassing over 1 million interviews), and consists of three annual interviews per survey participant.

The MCBS continues to provide unique insight into the Medicare program and helps both us and our external stakeholders better understand and evaluate the impact of existing programs and significant new policy initiatives. In the past, MCBS data have been used to assess potential changes to the Medicare program. For example, the MCBS was instrumental in supporting the development and implementation of the Medicare prescription drug benefit by providing a means to evaluate prescription drug costs and out-of-pocket burden for these drugs to Medicare beneficiaries. *Form Number:* CMS–P–0015A (OCN: 0938–0568); Frequency: Occasionally; *Affected Public:* Business or other for-profits and Not-for-profit institutions; *Number of Respondents:* 16,550; *Total Annual Responses:* 49,650; *Total Annual Hours:* 58,450 (For policy questions regarding this collection contact William Long at 410–786–7927.)

4. *Type of Information Collection Request:* Reinstatement without change of a previously approved collection; *Title of Information Collection:* Application for Hospital Insurance Benefits for Individuals with End Stage Renal Disease; *Use:* The CMS–43 application is used (in conjunction with CMS–2728) to establish entitlement to, and enrollment in, Medicare Part A (and Part B) for individuals with end stage renal disease. The application is completed by a Social Security Administration (SSA) claims representative or field representative using information provided by the individual during an interview. The CMS–43 application follows the questions and requirements used by SSA to determine Title II eligibility. This is done not only for consistency purposes, but because certain Title II and Title XVIII insured status and relationship requirements must be met in order to qualify for Medicare under the end stage renal disease provisions. *Form Number:* CMS–43 (OCN: 0938–0800); *Frequency:* Once; *Affected Public:* Individuals or households; *Number of Respondents:* 60,000; *Total Annual Responses:* 60,000; *Total Annual Hours:* 24,960. (For policy questions regarding this collection contact Lindsay Smith at 410–786–6843.)

5. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Solicitation for Applications for Medicare Prescription Drug Plan 2015 Contracts; *Use:* The information will be collected under the solicitation of proposals from prescription drug plans, Medicare Advantage (MA) plans that offer integrated prescription drug and health care coverage, Cost Plans, PACE, and EGWP applicants. We will use the information collected to ensure that applicants meet our requirements and to support the determination of contract awards. *Form Number:* CMS–10137 (OCN: 0938–0936); *Frequency:* Yearly; *Affected Public:* Business or other for-profits and Not-for-profits institutions; *Number of Respondents:* 254; *Total Annual Responses:* 254; *Total Annual Hours:* 2,319. (For policy questions regarding this collection contact Linda Anders at 410–786–0459.)

6. *Type of Information Collection Request:* Reinstatement without change of a previously approved collection; *Title of Information Collection:* Retiree Drug Subsidy (RDS) Applications and Instructions; *Use:* Under the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 and implementing regulations at 42 CFR part 423, subpart R plan sponsors (e.g., employers, unions) who offer prescription drug coverage to their qualified covered retirees are eligible to receive a 28 percent tax-free subsidy for allowable drug costs. In order to qualify, plan sponsors must submit a complete application with a list of retirees for whom it intends to collect the subsidy. Once we review and analyze the information on the application and the retiree list, notification will be sent to the plan sponsor about its eligibility to participate in the RDS program. *Form Number:* CMS–10156 (OCN: 0938–0957); *Frequency:* Yearly and monthly; *Affected Public:* Business or other for-profits and Not-for-profit institutions; *Number of Respondents:* 4,500; *Total Annual Responses:* 4,500; *Total Annual Hours:* 288,000. (For policy questions regarding this collection contact John W. Campbell at 410–786–0542.)

7. *Type of Information Collection Request:* Reinstatement without change of a previously approved collection; *Title of Information Collection:* Retiree Drug Subsidy (RDS) Payment Request and Instructions; *Use:* Under section 1860D–22 of the Social Security Act and implementing regulations at 42 CFR part 423 subpart R, plan sponsors (e.g., employers, unions) who offer prescription drug coverage meeting specified criteria to their qualified covered retirees are eligible to receive a 28 percent tax-free subsidy for allowable drug costs. Plan sponsors must submit required prescription drug cost data and other information in order to receive the subsidy. Subpart R stipulates that plan sponsors may elect to submit RDS payment requests on a monthly, quarterly, interim annual, or annual basis; once selected, the payment frequency may not be changed during the plan year. *Form Number:* CMS–10170 (OCN: 0938–0977); *Frequency:* Occasionally; *Affected Public:* Business or other for-profits and Not-for-profit institutions; *Number of Respondents:* 4,500; *Total Annual Responses:* 4,500; *Total Annual Hours:* 679,500. (For policy questions regarding this collection contact John W. Campbell at 410–786–0542.)

8. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Part C—Medicare Advantage and 1876 Cost Plan Expansion Application; *Use:* Organizations wishing to provide healthcare services under Medicare Advantage (MA), MA–PD or both that offer integrated prescription drug and health care products must complete an application, file a bid, and receive final approval from us. Existing MA plans may request to expand their contracted service area by completing the Service Area Expansion application. Any current 1876 Cost Plan Contractor that wants to expand its Medicare cost-based contract with us can complete the

application. Information is collected to ensure applicant compliance with our requirements and to gather data used to support its determination of contract awards. *Form Number:* CMS–10237 (OCN 0938–0935); *Frequency:* Yearly; *Affected Public:* Business or other for-profits and Not-for-profits institutions; *Number of Respondents:* 566; *Total Annual Responses:* 566; *Total Annual Hours:* 22,955. (For policy questions regarding this collection contact Melissa Staud at 410–786–3669.)

9. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Part C Medicare Advantage Reporting Requirements and Supporting Regulations; *Use:* There are a number of information users of Part C reporting data, including our central and regional office staff that use this information to monitor health plans and to hold them accountable for their performance, researchers, and other government agencies such as the Government Accounting Office. Health plans can use this information to measure and benchmark their performance. We intend to make some of these data available for public reporting as ''display measures'' in 2013. *Form Number:* CMS–10261 (OCN: 0938–1054); *Frequency:* Yearly and semi-annually; *Affected Public:* Business or other for-profits; *Number of Respondents:* 588; *Total Annual Responses:* 6,715; *Total Annual Hours:* 174,785. (For policy questions regarding this collection contact Terry Lied at 410–786–8973.)

10. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Electronic Submission of Medicare Graduate Medical Education (GME) Affiliation Agreements; *Use:* We use the information contained in electronic affiliation agreements as documentation of the existence of Medicare GME affiliations, and to verify that the affiliations being formed by teaching hospitals for the purposes of sharing their Medicare Graduate Medical Education FTE cap slots are valid according to our regulations. The affiliation agreements are also used as reference materials when potential issues involving specific affiliations arise. *Form Number:* CMS–10326 (OCN: 0938–1111); *Frequency:* Yearly; *Affected Public:* Business or other for-profits and Not-for-profit institutions; *Number of Respondents:* 125; *Total Annual Responses:* 125; *Total Annual Hours:* 166. (For policy questions regarding this collection contact Tzvi Hefter at 410–786–0614.)

11. *Type of Information Collection Request:* New collection (request for a new OMB control number); *Title of Information Collection:* Nationwide Consumer Assessment of Healthcare Providers and Systems (DCAHPS) Survey for Adults in Medicaid; *Use:* The goal of the survey is to obtain national and state-by-state estimates of adult Medicaid beneficiaries' access and experiences and satisfaction with care across different financing and delivery models (e.g., managed care and fee-for-service) and population groups (e.g., beneficiaries with physical, mental or both physical and mental disabilities, dually eligible beneficiaries, all other beneficiaries). The survey will serve as baseline information on the experiences of low-income adults during the early stages of implementation of the Affordable Care Act provision that permits states to expand eligibility to adults with income below 138 percent of the Federal poverty level who were not previously eligible. Along with states, we can use the survey information as one indicator of the quality of care within and across states. It also will be used to assist us along with the states in efforts to provide better care and more affordable care to Medicaid beneficiaries. *Form Number:* CMS–10493 (OCN: 0938–New); *Frequency:* Once; *Affected Public:* Individuals and households; *Number of Respondents:* 1,500,000; *Total Annual Responses:* 510,000; *Total Annual Hours:* 170,000. (For policy questions regarding this collection contact Marsha Lillie-Blanton at 410–786–8856.)

Dated: September 30, 2013.

Martique Jones,

Deputy Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2013–24219 Filed 10–3–13; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–37, CMS–64, CMS–10052, CMS–10141, CMS–10142, CMS–10227, CMS–10311, CMS–10344, CMS–10500, CMS–R–26, CMS–R–138, CMS–R–244, and CMS–R–308]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by December 3, 2013:

ADDRESSES: When commenting, please reference the document identifier or OMB control number (OCN). To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number _____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995.*

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: Reports Clearance Office at (410) 786–1326

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–37 Medicaid Program Budget Report
CMS–64 Medicaid Program Budget Report
CMS–10052 Recognition of Pass-Through Payment for Additional (New) Categories of Devices Under the Outpatient Prospective Payment System and Supporting Regulations
CMS–10141 Medicare Prescription Drug Benefit Program
CMS–10142 Bid Pricing Tool (BPT) for Medicare Advantage (MA) Plans and Prescription Drug Plans (PDP)
CMS–10227 PACE State Plan Amendment Preprint
CMS–10311 Medicare Program/Home Health Prospective Payment System Rate Update for Calendar Year 2010: Physician Narrative Requirement and Supporting Regulation
CMS–10344 Elimination of Cost-Sharing for full benefit dual-eligible Individuals Receiving Home and Community-Based Services
CMS–10500 Outpatient and Ambulatory Surgery Experience of Care Survey
CMS–R–26 Clinical Laboratory Improvement Amendments (CLIA) Regulations
CMS–R–138 Medicare Geographic Classification Review Board (MGCRB) Procedures and Supporting Regulations
CMS–R–244 Programs for All-inclusive Care of the Elderly (PACE) and Supporting Regulations
CMS–R–308 State Children's Health Insurance Program and Supporting Regulations

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collections

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Medicaid Program Budget Report; *Use:* We require that each State Medicaid agency quarterly submit the Form CMS–37 via the web-based Medicaid and State Children's Health Insurance Program Budget and Expenditure System (MBES/CBES). Due dates are November 15, February 15, May 15 and August 15 of each fiscal year. The addendum provides a description of forms contained in this package. All submissions represent equally important components of the grant award cycle, but the May and November submissions are particularly significant for budget formulation. The November submission introduces a new fiscal year to the budget cycle and serves as the basis for the formulation of the Medicaid portion of the President's Budget, which is presented to Congress in January. The February and August submissions are used primarily for budget execution in providing interim updates to CMS' Office of Financial Management, the Department of Health and Human Services, the Office of Management and Budget and Congress depending on the scheduling of the national budget review process in a given fiscal year. These submissions provide us with base information necessary to track current year obligations and expenditures in relation to the current year appropriation and to notify senior managers of any impending surpluses or deficits; *Form Number:* CMS–37 (OCN: 0938–0101); *Frequency:* Quarterly; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 56; *Total Annual Responses:* 224; *Total Annual Hours:* 7,616 (For policy questions regarding this collection contact Abraham John at 410–786–4519).

2. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Medicaid Program Budget Report; *Use:* Section 1903 of the Social Security Act provides the authority for collecting this information. States are required to submit the form CMS–64 quarterly to us no later than 30 days after the end of the quarter being reported. These submissions provide us with the information necessary to issue the quarterly grant awards, monitor current year expenditure levels, determine the allow ability of State claims for reimbursement, develop Medicaid financial management information provide for State reporting of waiver expenditures, ensure that the federally-established limit is not exceeded for HCBS waivers, and to allow for the implementation of the Assignment of Rights and Part A and Part B Premium (i.e., accounting for overdue Part A and Part B Premiums under State buy-in agreements)—Billing Offsets. *Form Number:* CMS–64 (OCN: 0938–0067); *Frequency:* Quarterly; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 56; *Total Annual Responses:* 224; *Total Annual Hours:* 16,464. (For policy questions regarding this collection contact Abraham John at 410–786–4519).

3. *Type of Information Collection Request:* Extension without change of a currently approved collection; *Title of Information Collection:* Recognition of Pass-Through Payment for Additional (New) Categories of Devices Under the Outpatient Prospective Payment System and Supporting Regulations; *Use:* Interested parties such as hospitals, device manufacturers, pharmaceutical companies, and physicians apply for transitional pass-through payment for certain items used with services covered in the outpatient prospective payment system (PPS). After we receive all requested information, we evaluate the information to determine if the creation of an additional category of medical devices for transitional pass-through payments is justified. We may request additional information related to the proposed new device category, as needed. We advise the applicant of our decision, and update the outpatient PPS during its next scheduled quarterly payment update cycle to reflect any newly approved device categories. We list below the information that we require from all applicants. *Form Number:* CMS–10052 (OCN: 0938–0857); *Frequency:* Once; *Affected Public:* Business or other for-profits; *Number of Respondents:* 10; *Total Annual Responses:* 10; *Total Annual Hours:* 160. (For policy questions regarding this collection contact Barry Levi at 410–786–4529).

4. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Medicare Prescription Drug Benefit Program; *Use:* Part D plans use the information to comply with the eligibility and associated Part D participating requirements. We use the information to approve contract applications, monitor compliance with contract requirements, make proper payment to plans, and to ensure that correct information is disclosed to potential and current enrollees. *Form Number:* CMS–10141

(OCN: 0938–0964); *Frequency:* Occasionally; *Affected Public:* Individuals or households, Business or other for-profits and Not-for-profit institutions, and State, Local, or Tribal Governments; *Number of Respondents:* 4,100,953; *Total Annual Responses:* 26,301,339; *Total Annual Hours:* 7,572,243. (For policy questions regarding this collection contact Deborah Larwood at 410–786–9500).

5. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Bid Pricing Tool (BPT) for Medicare Advantage (MA) Plans and Prescription Drug Plans (PDP); *Use:* We require Medicare Advantage organizations (MAOs) and prescription drug plans (PDPs) to complete the BPT as part of the annual bidding process. During this process, organizations prepare their proposed actuarial bid pricing for the upcoming contract year and submit them to us for review and approval. The purpose of the BPT is to collect the actuarial pricing information for each plan. The BPT calculates the plan's bid, enrollee premiums, and payment rates. We publish beneficiary premium information using a variety of formats (*www.medicare.gov,* the Medicare & You handbook, Summary of Benefits marketing information) for the purpose of beneficiary education and enrollment. *Form Number:* CMS–10142 (OCN–0938–0944); *Frequency:* Yearly; *Affected Public:* Business or other for-profits and Not-for-profit institutions; *Number of Respondents:* 555; *Total Annual Responses:* 4,995; *Total Annual Hours:* 149,850. (For policy questions regarding this collection contact Rachel Shevland at 410–786–3026).

6. *Type of Information Collection Request:* Extension without change of a currently approved collection; *Title of Information Collection:* PACE State Plan Amendment Preprint; *Use:* If a state elects to offer PACE as an optional Medicaid benefit, it must complete a state plan amendment preprint packet described as ''Enclosures #3,4,5,6 and 7.'' The information, collected from the state on a one-time basis is needed in order to determine if the state has properly elected to cover PACE services as a state plan option. *Form Number:* CMS–10227 (OCN: 0938–1027); *Frequency:* Once and occasionally; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 21; *Total Annual Responses:* 7; *Total Annual Hours:* 240. (For policy questions regarding this collection contact Angela Taube at 410–786–2638).

7. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Medicare Program—Home Health Prospective Payment System Rate Update for Calendar Year 2010: Physician Narrative Requirement and Supporting Regulation; *Use:* The conditions of participation and accompanying requirements specified in the regulations are used by Federal or state surveyors as a basis for determining whether a home health agency qualifies for approval or re-approval under Medicare. The Physician's certification and recertification of each patient's need for skilled care services; homebound status and the physician's clinical justification for skilled nursing management and evaluation of the care plan specified in the regulations at 42 CFR 424.22 are to be used by contractors and by us when reviewing the patient's medical record as a basis for determining whether the patient is eligible for the Medicare home health benefit and whether the medical record meets the criteria for coverage and Medicare payment. We, along with the healthcare industry believe that the availability to the home health agency of the type of records and general content of records, which this regulation specifies, is standard medical practice, and is necessary in order to ensure the well-being and safety of patients and professional treatment accountability. *Form Number:* CMS–10311 (OCN: 0938–1083; *Frequency:* Occasionally; *Affected Public:* Business or other for-profits and Not-for-profit institutions); *Number of Respondents:* 9,354; *Total Annual Responses:* 345,600; *Total Annual Hours:* 28,800. (For policy questions regarding this collection contact Randy Throndset at 410–786–0131).

8. *Type of Information Collection Request:* Extension without change of a currently approved collection; *Title of Information Collection:* Elimination of Cost-Sharing for full benefit dual-eligible Individuals Receiving Home and Community-Based Services; *Use:* This provision eliminates Part D cost-sharing for full benefit dual-eligible beneficiaries who are receiving home and community based services. To implement this provision, States are required to identify the affected beneficiaries in their monthly Medicare Modernization Act Phase Down reports. *Form Number:* CMS–10344 (OCN: 0938–1127); *Frequency:* Monthly; *Affected Public:* Business or other for-profits and Not-for-profit institutions; *Number of Respondents:* 51; *Total Annual Responses:* 612; *Total Annual Hours:* 612. (For policy questions regarding this collection contact Katherine Pokrzywa at 410–786–5530).

9. *Type of Information Collection Request:* New collection (Request for a new control number); *Title of Information Collection:* Outpatient and Ambulatory Surgery Experience of Care Survey; *Use:* We will use the information collected through the field test to inform the development of a larger national survey effort, including development of the final survey instrument and data collection procedures. Looking toward the survey development specifically, the data collected in this survey effort will be used to conduct a rigorous psychometric analysis of the survey content. The goal of such an analysis is to assess the measurement properties of the proposed instrument and sub-domain composites created from item subsets, to assure the information reported from any future administrations of the survey is well-defined. Such careful definition will prevent data distortion or misinformation if they are publicly reported. Data collection procedures will also be fine-tuned during this field test. *Form Number:* CMS–10500 (OCN: 0938-New); *Frequency:* Once; *Affected Public:* Individuals and households; *Number of Respondents:* 2,304; *Total Annual Responses:* 2,304; *Total Annual Hours:* 384. (For policy questions regarding this collection contact Caren Ginsberg at 410–786–0713).

10. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Clinical Laboratory Improvement Amendments (CLIA) Regulations; *Use:* The information is necessary to determine an entity's compliance with the Congressionally-mandated program with respect to the regulation of laboratory testing (CLIA). In addition, laboratories participating in the Medicare program must comply with CLIA requirements as required by section 6141 of OBRA 89. Medicaid, under the authority of section 1902(a)(9)(C) of the Social Security Act, pays for services furnished only by laboratories that meet Medicare (CLIA) requirements. *Form Number:* CMS–R–26 (OCN: 0938–0612); *Frequency:* Monthly, occasionally; *Affected Public:* Business or other for-profits and not-for-profit institutions, State, Local or Tribal Governments, and the Federal government; *Number of Respondents:* 79,175; *Total Annual Responses:* 88,886,364; *Total Annual Hours:* 15,613,299. (For policy questions regarding this collection contact Raelene Perfetto at 410–786–6876).

11. *Type of Information Collection Request:* Reinstatement without change of a previously approved collection; *Title of Information Collection:* Medicare Geographic Classification Review Board (MGCRB) Procedures and Supporting Regulations; *Use:* The information submitted by the hospitals is used to determine the validity of the hospitals' requests and the discretion used by the Medicare Geographic Classification Review Board (MGCRB) in reviewing and making decisions regarding hospitals' requests for geographic reclassification. *Form Number:* CMS–R–138 (OCN: 0938–0573); *Frequency:* Yearly; *Affected Public:* Business or other for-profits and Not-for-profit institutions, and State, Local, or Tribal Governments; *Number of Respondents:* 300; *Total Annual Responses:* 300; *Total Annual Hours:* 300. (For policy questions regarding this collection contact Geri Mondowney at 410–786–1172).

12. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Programs for All-inclusive Care of the Elderly (PACE) and Supporting Regulations; *Use:* The PACE organizations must demonstrate their ability to provide quality community-based care for the frail elderly who meet their state's nursing home eligibility standards using capitated payments from Medicare and the state. The model of care includes as core services the provision of adult day health care and multidisciplinary team case management, through which access to and allocation of all health services is controlled. Physician, therapeutic, ancillary, and social support services are provided in the participant's residence or on-site at the adult day health center. The PACE programs must provide all Medicare and Medicaid covered services including hospital, nursing home, home health, and other specialized services. Financing of this model is accomplished through prospective capitation of both Medicare and Medicaid payments. The information collection requirements are necessary to ensure that only appropriate organizations are selected to become PACE organizations and that we have the information necessary to monitor the care provided to the frail, vulnerable population served. *Form Number:* CMS–R–244 (OCN: 0938–0790; *Frequency:* Once and occasionally; *Affected Public:* Private Sector (Not-for-profit institutions); *Number of Respondents:* 99; *Total Annual Responses:* 99; *Total Annual Hours:* 81,912. (For policy questions regarding this collection contact Anitra Johnson at 410–786–0609).

13. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* State Children's Health Insurance Program and Supporting Regulations; *Use:* States must submit title XXI plans and amendments for approval by the Secretary. We use the plan and its subsequent amendments to determine if the state has met the requirements of title XXI. Information provided in the state plan, state plan amendments, and from the other information we are collecting will be used by advocacy groups, beneficiaries, applicants, other governmental agencies, providers groups, research organizations, health care corporations, health care consultants. States will use the information collected to assess state plan performance, health outcomes and an evaluation of the amount of substitution of private coverage that occurs as a result of the subsidies and the effect of the subsidies on access to coverage. *Form Number:* CMS–R–308 (OCN: 0938–0841; *Frequency:* Yearly, once, and occasionally; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 56; *Total Annual Responses:* 400; *Total Annual Hours:* 1,489,092. (For policy questions regarding this collection contact Judith Cash at 410–786–4473).

Dated: *September 30, 2013.*

Martique Jones,

Deputy Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2013–24250 Filed 10–3–13; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Human Genome Research Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Human Genome Research Institute Special Emphasis Panel Extramural Gene Function Research Initiative (R21) UDP.

Date: November 27, 2013.

Time: 11:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Human Genome Research Institute, 4076 Conference Room, 5635 Fishers Lane, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Keith McKenney, Ph.D., Scientific Review Officer, NHGRI, 5635 Fishers Lane, Suite 4076, Bethesda, MD 20814, 301–594–4280, *mckenneyk@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: September 30, 2013.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–24289 Filed 10–3–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5681–N–40]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Juanita Perry, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7266, Washington, DC 20410; telephone (202) 402–3970; TTY number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized

buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, and suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Where property is described as for ''off-site use only'' recipients of the property will be required to relocate the building to their own site at their own expense. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Theresa Ritta, Office of Enterprise Support Programs, Program Support Center, HHS, room 12–07, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Ann Marie Oliva at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (i.e., acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: *Agriculture:* Ms. Debra Kerr, Department of Agriculture, Reporters Building, 300 7th Street SW., Room 300, Washington, DC 20024, (202) 720–8873; *Air Force:* Mr. Robert Moore, Air Force Real Property Agency, 2261 Hughes Avenue, Suite 156, Lackland AFB, TX, 78236–9852, (210) 395–9512; *COE:* Mr. Scott Whiteford, Army Corps of Engineers, Real Estate, CEMP–CR, 441 G Street NW., Washington, DC 20314; (202) 761–5542; *GSA:* Mr. Flavio Peres, General Services Administration, Office of Real Property Utilization and Disposal, 1800 F Street NW., Room 7040 Washington, DC 20405, (202) 501–0084; *Navy:* Mr. Steve Matteo, Department of the Navy, Asset Management Division, Naval Facilities Engineering Command, Washington Navy Yard, 1330 Patterson Ave. SW., Suite 1000, Washington, DC 20374; (202) 685–9426; (These are not toll-free numbers).

Dated: September 26, 2013.

Mark Johnston,

Deputy Assistant Secretary for Special Needs.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM FEDERAL REGISTER REPORT FOR 10/04/2013

Suitable/Available Properties

Building

Alaska

9 Buildings
JBER–E
Anchorage AK 99506
Landholding Agency: Air Force
Property Number: 18201240030
Status: Unutilized
Directions: 5374, 59122, 59348, 76520, 16519, 16521, 9570, 7179, 8197
Comments: off-site removal only; sf. varies; moderate conditions; restricted area; contact AF for more info. on a specific property & accessibility/removal requirements

4 Buildings
JBER
JBER AK 99506
Landholding Agency: Air Force
Property Number: 18201310014
Status: Unutilized
Directions: 10449, 27369, 33855, 35750
Comments: off-site removal only; sf. varies; moderate conditions; restricted area; contact AF for more info. on a specific property & accessibility/removal reqs.

Building 6260
Arctic Warrior Dr.
JBER AK 99506
Landholding Agency: Air Force
Property Number: 18201310015
Status: Unutilized
Comments: off-site removal only; 75,720 sf.; Admin./Storage; moderate conditions; restricted area; contact AF for info. on accessibility/removal reqs.

3 Buildings
Gibson Ave.
JBER AK 99506
Landholding Agency: Air Force
Property Number: 18201310016
Status: Unutilized
Directions: 6252, 6257, 7263
Comments: off-site removal only; sf. varies; storage; moderate conditions; restricted area; contact AF for more info. on a specific property & accessibility/removal reqs.

2 Buildings
Industrial Ave.
Eielson AFB AK 99702
Landholding Agency: Air Force
Property Number: 18201310030
Status: Unutilized
Directions:
6213, 6214
Comments: off-site removal only; sf. varies; major repairs needed; contact Air Force for more info. on a specific property & accessibility/removal reqs.

8 Buildings
Wainwright Short Range Radar Site
Wainwright AK 99782
Landholding Agency: Air Force
Property Number: 18201310036
Status: Unutilized
Directions: 1, 2, 3, 12, 13, 100, 101, 105
Comments: sf. varies; very poor conditions; remote area; contact AF for info. on a specific property listed above

Building 400
Main Street
King Salmon Airport AK
Landholding Agency: Air Force
Property Number: 18201320079
Status: Unutilized
Comments: 1,408 sf.; storage; 29 yrs. old; moderate conditions; periodic flooding (next to Naknek River)

Building 119
Mountain Top Rd.
Indian Mountain AK
Landholding Agency: Air Force
Property Number: 18201320080
Status: Unutilized
Comments: 256 sf.; waste treatment building; 36+ months vacant; deteriorating; asbestos & lead based paint

Building 125
Mountain Top Rd.
Indian Mountain AK
Landholding Agency: Air Force
Property Number: 18201320081
Status: Unutilized
Comments: 680 sf.; solid waste disposal facility; 36+ months vacant; deteriorated; asbestos & lead based paint

Building 715
Fuel Lane
King Salmon Airport AK
Landholding Agency: Air Force
Property Number: 18201320082
Status: Unutilized
Comments: 256 sf.; fuel building; 24+ months vacant; deteriorated; contamination

Building 720
Fuel Lane
King Salmon Airport AK
Landholding Agency: Air Force
Property Number: 18201320083
Status: Unutilized
Comments: 285 sf.; fuel building; 24+ months vacant; deteriorated; periodic flooding (next to Naknek River)

14 Buildings
Seward Recreation Camp
Seward AK 99664
Landholding Agency: Air Force
Property Number: 18201330010
Status: Excess
Directions: 100, 101, 104, 300, 301, 303, 302, 304, 305, 306, 307, 308, 309, 310
Comments: Off-site removal only; sf. varies; 9+ months vacant; moderated conditions; contact Air Force for more info. on a specific property and removal requirements.

Building 6397
null
Eielson AK 99702
Landholding Agency: Air Force
Property Number: 18201330038
Status: Unutilized
Comments: Off-site removal only; 200 sf.; no future agency need; poor conditions; contamination; secured area; contact Air Force for more info.

California

Building 1028
19338 North St.
Beale CA 95903
Landholding Agency: Air Force
Property Number: 18201240009
Status: Unutilized
Comments: 178; poor conditions; asbestos & lead; restricted area; contact AF for info. on accessibility requirements

Building 2153
6900 Warren Shingle
Beale AFB CA 95903
Landholding Agency: Air Force
Property Number: 18201240010
Status: Unutilized
Comments: 4,000; very poor conditions; asbestos & lead possible; restricted area; contact AF for info. on accessibility requirements

Former Mather AFB
Former Mather AFB
Rancho Cordova CA 95655
Landholding Agency: Air Force
Property Number: 18201310064
Status: Excess
Directions: includes five bldgs. and land; bldgs. #: 1703, 1705, 1706, 1707, 1708
Comments: previously reported in 1992; total sf.: 191,446; sits on 15 acres; used for: residential; good condition

Colorado

Building 300
Buckley AFB
Aurora CO 80011
Landholding Agency: Air Force
Property Number: 18201230016
Status: Unutilized
Comments: off-site removal only; 1414 sf.; jet fuel labs; roof has collapse & needs to be replaced; restricted area; contact AF for details on accessibility/removal

Building 66072
Military Housing
Colorado Springs CO
Landholding Agency: Air Force
Property Number: 18201310028
Status: Unutilized
Comments: 5,017 sf.; vacant; roof repairs needed

Building 304
Cheyenne Mountain AFS
Colorado Springs CO 80914
Landholding Agency: Air Force
Property Number: 18201320040
Status: Underutilized
Comments: off-site removal only; no future AF need; 960 sf; mailroom; good conditions; secured area, contact AF for more info.

6 Buildings
GJKZ
Fairchild AFB CO 99011
Landholding Agency: Air Force
Property Number: 18201320042
Status: Underutilized
Directions: 1478, 1479, 1480, 1482, 1483, 1484
Comments: off-site removal only; no future AF need; sf. varies; w/inactive military installation; contact AF for removal/accessibility reqs.

Connecticut

Two Buildings
Naval Submarine Base New London
Groton CT 06340
Landholding Agency: Navy
Property Number: 77201330035
Status: Excess
Directions: 1001 & 1004 (including bldgs. & land)
Comments: 28,777 total sq. ft.; chapel/community ctr.; fair conditions; roof needs repairs; contact Navy for more info.

Florida

Building 5002
6801 Hwy 98
Tyndall AFB FL 32403
Landholding Agency: Air Force
Property Number: 18201310010
Status: Unutilized
Comments: 151 sf.; water pump station; 6 months vacant; major repairs; restricted area; contact AF for info. on accessibility reqs.

Georgia

Building 931
1501 First St.
Dobbins Air Reserve GA 30069
Landholding Agency: Air Force
Property Number: 18201330008
Status: Unutilized
Comments: Off-site removal only; 4,347 sf.; office space; 59 yrs. old; poor conditions; need repairs; contamination; secured area; contact Air Force for more info.

Facility 1006
1006 Munitions Rd.
Dobbins ARB GA 30069
Landholding Agency: Air Force
Property Number: 18201330015
Status: Unutilized
Comments: Off-site removal only; 2,097 sf.; 50 yrs. old; 2+ month vacant; storage; poor conditions; need repairs; asbestos & lead; secured area; contact Air Force for more info.

10 Buildings
Middle Georgia Regional Airport
Macon GA 31297
Landholding Agency: Air Force
Property Number: 18201330034
Status: Unutilized
Directions: 16, 1004, 15, 11,9,7,6,3,2,1
Comments: sf. varies; good to fair conditions; secured area; contact Air Force for a specific property and accessibility requirements.

Idaho

38 Buildings
Aspen & Lodge Pole
Mountain Home ID 83648
Landholding Agency: Air Force
Property Number: 18201230034
Status: Underutilized
Directions: 5001–5013, 5015, 5019–5023, 5025, 5027, 5029, 5031–5033, 5035–5041, 5043, 5101, 5103, 5105, 5107, 5109
Comments: off-site removal only; sf. varies; military housing; minor repairs/renovations needed; asbestos & lead present; restricted area; contact AF for info. on accessibility/removal reqs.

38 Buildings
Lodge Pole & Cottonwood
Mountain Home ID 83648
Landholding Agency: Air Force
Property Number: 18201230035
Status: Underutilized
Directions: 5110–5121, 5123, 5125, 5127–5132, 5134, 5137, 5139, 5141, 5144–5146, 5150, 5152–5161
Comments: off-site removal only; sf. varies; military housing; minor repairs/renovations needed; asbestos & lead present; restricted area; contact AF for info. on accessibility/removal reqs.

37 Buildings
Cottonwood & Sage
Mountain Home ID 83648
Landholding Agency: Air Force
Property Number: 18201230036
Status: Underutilized
Directions: 5162–5164, 5166, 5168, 5170, 5201–5208, 5210, 5212, 5214–5219, 5221, 5223, 5225–5229, 5231, 5233, 5235–5240
Comments: off-site removal only; sf. varies; military housing; minor repairs/renovations needed; asbestos & lead present; restricted area; contact AF for info. on accessibility/removal reqs.

38 Buildings

Sage, Beech, & Hickory
Mountain Home ID 83648
Landholding Agency: Air Force
Property Number: 18201230037
Status: Underutilized
Directions: 5241, 5243, 5245–5247, 5249, 5251, 5253–5255, 5257, 5259–5261, 5263, 5265, 5268, 5302–5303, 5305–5313, 5315, 5317, 5319–5323, 5323, 5327
Comments: off-site removal only; sf. varies; military housing; minor repairs/ renovations needed; asbestos & lead present; restricted area; contact AF for info. on accessibility/removal reqs.

38 Buildings
Hickory & Pinon
Mountain Home ID 83648
Landholding Agency: Air Force
Property Number: 18201230038
Status: Underutilized
Directions: 5329–5333, 5335, 5337, 5339, 5341–5349, 5351, 5353, 5355–5359, 5361, 5363–5367, 5370–5377
Comments: off-site removal only; sf. varies; military housing; minor repairs/ renovations needed; asbestos & lead present; restricted area; contact AF for info. on accessibility/removal reqs.

26 Buildings
Mountain Home AFB
Mountain Home ID 83648
Landholding Agency: Air Force
Property Number: 18201230041
Status: Underutilized
Directions: 45000, 45004, 45007, 45008, 45011, 45012, 45015, 45019, 45022, 45023, 45027, 45031, 45035, 45036, 45039, 45040, 45043, 45103, 45107, 45111, 45112, 45115, 45116, 45119, 45120, 45123
Comments: off-site removal only; 780 sf. for ea. parking; minor repairs/renovations needed; restricted area; contact AF for info. on accessibility/removals reqs.

74 Buildings
Mountain Home AFB
Mountain Home ID 83648
Landholding Agency: Air Force
Property Number: 18201230042
Status: Underutilized
Directions: 45127, 45130, 45131, 45134, 45135, 45139, 45143, 45146, 45147, 45152, 45156, 45159, 45160, 45163, 45164, 46168, 45172, 45203, 45204, 45207, 45208, 45212, 45216, 45217, 45220, 45221, 45225, 45228, 45229, 45233, 45237, 45238, 45241, 45242, 45245, 45249, 45253, 45254, 45257, 45261, 45264, 45265, 45268, 45272, 45272, 45305, 45308, 45309, 45312, 45313, 45317, 45321, 45322, 45325, 45329, 45332, 45333, 45337, 45341, 45344, 45345, 45348, 45349, 45353, 45357, 45358, 45361, 45365, 45366, 45367, 45372, 45373, 45376, 45377
Comments: off-site removal only; 780 sf. for ea. parking; minor repairs/renovations needed; restricted area; contact AF for info. on accessibility/removals reqs.

Louisiana

Building 4143
Barksdale AFB
Barksdale LA 71110
Landholding Agency: Air Force
Property Number: 18201320007
Status: Unutilized
Comments: off-site removal only, 8,719 sf., auto hobby shop; 1 month vacant secured area, contact AF for more info.

Building 117
Naval Air Station Joint Reserve Base
New Orleans LA 70143
Landholding Agency: Air Force
Property Number: 18201330046
Status: Excess
Comments: 3,975 sf.; storage; deteriorated; secured area; background check/pass required; contact Air Force for more info. re.; accessibility reqs.

Building 019
Naval Air Station joint Reserve Base
New Orleans LA 70143
Landholding Agency: Air Force
Property Number: 18201330050
Status: Excess
Comments: 3,038 sq. ft.; storage; deteriorated; secured area; official ID required; contact Air Force for more information

Massachusetts

3 Buildings
Hudson Rd.
Sudbury MA
Landholding Agency: Air Force
Property Number: 18201310026
Status: Excess
Directions: 01, 04, 05
Comments: sf. varies; lab; fair conditions; restricted area; contact AF for info. on accessibility reqs.

7 Buildings
Westover ARB
Chicopee MA 01022
Landholding Agency: Air Force
Property Number: 18201320062
Status: Underutilized
Directions: 7701, 7704, 7706, 7707, 2426, 2765, 7700
Comments: Off-site removal only; no future AF need; sf. varies; adequate to very poor conditions; contamination; restricted area; escort required; contact AF for more info.

Michigan

3 Buildings
Selfridge ANGB
Selfridge MI 48045
Landholding Agency: Air Force
Property Number: 18201220020
Status: Unutilized
Directions: 326,780,710
Comments: off-site removal only; sf varies; office/school/barracks; fair conditions; need repairs

Minnesota

S.O. South Annex
200 Ash Ave. NW
Cassa Lake MN 56633
Landholding Agency: Agriculture
Property Number: 15201330035
Status: Unutilized
Comments: Off-site removal; no future agency need; 1,947 sq. ft.; office; poor foundation; minor roof damage; contact Agriculture for more info.

S.O. South Annex
200 Ash Ave. NW
Cass Lake MN 56633
Landholding Agency: Agriculture
Property Number: 15201330036
Status: Unutilized
Comments: Off-site removal; no future agency need; 1,947 sq. ft.; office; poor foundation; minor roof damage; contact Agriculture for more info.

Mississippi

Building 112
CRTC Gulfport
Gulfport MS 39507
Landholding Agency: Air Force
Property Number: 18201330041
Status: Excess
Comments: 90 sf.; ATM bldg.; good conditions; contact Air Force for more info.

New Jersey

Building 5971
West End Plaza
JBMDL NJ 08640
Landholding Agency: Air Force
Property Number: 18201310025
Status: Unutilized
Comments: off-site removal only; 1,842 sf.; storage; poor conditions; restricted area; contact AF for info. on accessibility reqs.

1932 Disaster Prep
1932 Glenn Road
JBMDL NJ 08641
Landholding Agency: Air Force
Property Number: 18201320015
Status: Underutilized
Comments: off-site removal only; no future AF need; 5,852 sf; storage; poor secured area, contact AF for more info.

1911 SP Operations
1911 East Fourth Street
JBMDL NJ 08641
Landholding Agency: Air Force
Property Number: 18201320016
Status: Underutilized
Comments: off-site removal only; 6,432 sf., AF has no future need, office/admin., poor conditions; secured area; contact AF for more info.

9719 Latrine
Range 34, 9720 Range Road
JBMDL NJ 08640
Landholding Agency: Air Force
Property Number: 18201320017
Status: Underutilized
Comments: off-site removal only; AF has no future need; 285 sf., secured area; contact AF for more info.

9721 Compressor Plant #1
Range 34, 9720 Range Road
JBMDL NJ 08640
Landholding Agency: Air Force
Property Number: 18201320018
Status: Underutilized
Comments: off-site removal only; AF has no future need; fair conditions; secured area; 63 sf., contact AF for more info.

9726 Compressor Plant #2
Range 34, 9720 Range Road
JBMDL NJ 08640
Landholding Agency: Air Force
Property Number: 18201320019
Status: Underutilized
Comments: off-site removal only; 112 sf., AF has no future need; fair conditions, secured area; contact AF for more info.

6045 MWR Support
6045 Doughboy Loop
JBMDL NJ 08640
Landholding Agency: Air Force
Property Number: 18201320020

Status: Excess
Comments: off-site removal only; 4,087 sf.; poor conditions, secured area; contact AF for more info.

1902 Comm Facility
1902 Ammo Road
JBMDL NJ 08641
Landholding Agency: Air Force
Property Number: 18201320021
Status: Underutilized
Comments: off-site removal only; 25,966 sf.; AF has no future need; storage; poor conditions; secured area; contact AF for more into.

New York

Building 11
Schenectady Airport
Scotia NY 12302
Landholding Agency: Air Force
Property Number: 18201330049
Status: Excess
Directions: 1 Air National Guard Road
Comments: 10,267 sq. ft.; nose duck; poor conditions; secured area; military escort required each time to access property; contact Air Force for more info.

North Carolina

SAC COO–16888
Jeffries Plant SC Serv.
Authority Cooper River
Wake NC 27589
Landholding Agency: COE
Property Number: 31201330011
Status: Unutilized
Comments: Off-site removal only; no future agency need; 2,257 sq. st.; vacant; 28 yrs.-old; poor structural condition.

SAS FAL–15916
Hartwell Lake & Dam
Wake NC 27587
Landholding Agency: COE
Property Number: 31201330012
Status: Unutilized
Comments: Off-site removal only; no future agency need; 36 sq. ft.; vacant; 34+ yrs.-old; poor structural.

North Dakota

2 Buildings
JFSD Grand Forks AFB
Grand Forks ND 58205
Landholding Agency: Air Force
Property Number: 18201330017
Status: Unutilized
Directions: 822(162 sf.), 821(264 sf.)
Comments: Deteriorated conditions; contamination; secured area; escort required each time to access; contact Air Force for more info.

Oklahoma

Building 267
7576 Sentry Blvd.
Tinker AFB OK 73145
Landholding Agency: Air Force
Property Number: 18201310039
Status: Unutilized
Comments: off-site removal only; 6,892 sf.; vehicle parking shed; fair conditions; restricted area; contact AF for info. on accessibility/removal requirements

Building 1100
7492 Patrol Road
Tinker AFB OK 73145
Landholding Agency: Air Force
Property Number: 18201320024
Status: Underutilized
Comments: off-site removal only; no future AF need; 5,471 sf.; maint. facility; fair/poor condition; controlled AF installation, contact AF for more info.

Building 944
4600 Air Depot Blvd.
Tinker AFB OK 73145
Landholding Agency: Air Force
Property Number: 18201320026
Status: Underutilized
Comments: off-site removal only; no future AF need; 2,400 sf.; warehouse; fair/poor condition; controlled AF installation; contact AF for info. re: accessibility/removal

Building 1111
Tinker AFB
Tinker OK 73145
Landholding Agency: Air Force
Property Number: 18201330028
Status: Unutilized
Comments: Off-site removal only; no future agency need; 231 sf.; utility bldg.; generally good conditions; secured area; contact Air Force for more info.

2 Buildings
Tinker AFB
Tinker OK 73145
Landholding Agency: Air Force
Property Number: 18201330029
Status: Unutilized
Directions: 1072,901
Comments: Off-site removal only; no agency need; poor conditions; secured area; contact Air Force for info. on a specific property & removal requirements.

Puerto Rico

Muniz IAP
200 JoseA (Tony) Santana Ave.
Carolina PR 09879
Landholding Agency: Air Force
Property Number: 18201320069
Status: Unutilized
Comments: 755 sf.; potable water storage & pump house; poor conditions; secured area; escort required to access property; contact AF for more info.

South Carolina

Building 1400
66/68 Von Steuben
Goose Creek SC 29445
Landholding Agency: Air Force
Property Number: 18201310006
Status: Underutilized
Comments: 3,426 sf.; storage; fair conditions
Land at Henley Park Area
JBC
N. Charleston SC 29404
Landholding Agency: Air Force
Property Number: 18201310008
Status: Underutilized
Comments: 57 acres; restricted military installation; contact AF on info. on accessibility reqs.

2 Building
Shaw AFB
Sumter SC 29152
Landholding Agency: Air Force
Property Number: 18201320054
Status: Unutilized
Directions: 1036, 1826
Comments: off-site removal only; no AF future need; sf. varies; poor conditions; secured area, contact AF for more info.

4 Buildings
Shaw AFB
Sumter SC 29152
Landholding Agency: Air Force
Property Number: 18201320055
Status: Underutilized
Directions: 1027,1028,2451,1034
Comments: Off-site removal only; no AF future need; sf. varies; poor conditions; secured area; contact AF for more info.

Building 1036
311 Avocet Street, Street, Shaw AFB
Sumter SC 29152
Landholding Agency: Air Force
Property Number: 18201320086
Status: Unutilized
Comments: off-site removal only; no future agency need; 1,694 sf.; open storage for auto hobby shop; repairs needed; secured area; contact AF for more info.

Building 1826
100 Shaw Dr., Shaw AFB
Sumter SC 29152
Landholding Agency: Air Force
Property Number: 18201320087
Status: Unutilized
Comments: off-site removal only; no future agency need; 984sf. wash rack; repairs needed; secured area; contact AF for more info.

Texas

Plowman Creek Park
Whitney Lake Project
Kopperl TX 76634
Landholding Agency: COE
Property Number: 31201330007
Status: Unutilized
Directions: WH–27966
Comments: Off-site removal only; no future agency need; 50+ yrs.-old; 30 sq. ft.; water well; secured area, contact COE for more info.

Navarro Mills Lake
1225 FM 669
Purdon TX 76679
Landholding Agency: COE
Property Number: 31201330008
Status: Underutilized
Comments: Off-site removal only; no future agency need; 624 sq. ft.; 30+ yrs. old; restroom; secured area; contact COE for more info.

Steele Creek Park
Whitney Lake Project
Morgan TX 76671
Landholding Agency: COE
Property Number: 31201330009
Status: Unutilized
Directions: WH–27961
Comments: Off-site removal only; 30 sq. ft.; 50+ yrs.-old; water well; secured area; contact COE for more info.

Steele Creek Park
Whitney Lake Project
Morgan TX 76671
Landholding Agency: COE
Property Number: 31201330010
Status: Unutilized
Directions: WH–27960
Comments: Off-site removal only; no future agency need; 30 sq. ft.; water well; contact COE for more info.

WH–27960
Steele Creek Park at Whitney Lake
Morgan TX 76671
Landholding Agency: COE
Property Number: 31201330013
Status: Unutilized
Comments: Off-site removal only; 30 sq. ft.; water well; 50+ yrs. old; repairs needed secured area; contact COE for more info.

Virginia

Joint Base Langley Eustis
1134 Wilson Ave.
Newport News VA
Landholding Agency: Air Force
Property Number: 18201240006
Status: Unutilized
Comments: 887 sf.; storage; poor conditions; restricted area; visitor's pass required; contact AF for more info.

Joint Base Langley Eustis
3508 Mulberry Island Rd.
Newport News VA
Landholding Agency: Air Force
Property Number: 18201240007
Status: Unutilized
Comments: 4,026; poor conditions; restricted area; visitor's pass required; contact AF for more info.

Land

Alaska

Parcel of Land
Joint Base Elmendorf Richardson
JBER AK 99506
Landholding Agency: Air Force
Property Number: 18201330011
Status: Underutilized
Comments: 20x20 (400sf.); secured area; must obtain a visitor's pass & have a gov't sponsor escort to access installation; contact Air Force for more info.

Portion of Land
Joint Base Elmendorf Richardson
JBER AK 99505
Landholding Agency: Air Force
Property Number: 18201330012
Status: Underutilized
Comments: 1600 sf.; secured area; visitor's pass and gov't sponsor required; contact Air Force for more info.

Portion of Land
Joint Base Elmendorf Richardson
JBER AK 99505
Landholding Agency: Air Force
Property Number: 18201330013
Status: Underutilized
Comments: .29 acres; secured area; visitor's pass & gov't sponsor required; contact Air Force for more info.

Florida

WBPA (9901/72441/99300)
9901 E. Pine Ave.
St. George Island FL 32328
Landholding Agency: Air Force
Property Number: 18201310041
Status: Excess
Comments: .34 acres; tower & fence needs to be removed; remote access; contact AF for more info.

Suitable/Unavailable Properties

Building

Alaska

Commercial Lot w/2 Story Structure
412 Washington Ave.
Seward AK 99664
Landholding Agency: GSA
Property Number: 54201320010
Status: Surplus
GSA Number: 9–I–AK–0803AB
Directions: GSA is the disposal agency; NPD/DOII is the landholding agency
Comments: 3,538 sf.; restaurant

Multi-Family Lot
212 Fifth Ave.
Seward AK 99664
Landholding Agency: GSA
Property Number: 54201320014
Status: Surplus
GSA Number: 9–I–AK–0805AB
Directions: Disposal agency: GSA; Landholding agency: NPS/DOII
Comments: 1,070 sf.; residential; fair conditions; mold, asbestos, & lead

New York

Building
NOSC Albany New York
Albany NY 12203
Landholding Agency: Navy
Property Number: 77201330031
Status: Unutilized
Comments: 34,250 sq. ft.; reserve training bldg.; age 1956; univalve due to existing federal need.

Building 2
NOSC Albany New York
Albany NY 12203
Landholding Agency: Navy
Property Number: 77201330032
Status: Excess
Comments: 1,495 sq. ft.; auto vehicle maintenance; age 1956; unavailable due to existing federal need

Building
NOSC Albany New York
Albany NY 12203
Landholding Agency: Navy
Property Number: 77201330033
Status: Excess
Comments: 3,702 sq. ft.; reserve training bldg.; unavailable due to existing Federal need.

Oklahoma

24 Buildings
Tinker AFB
Tinker AFB OK 73145
Landholding Agency: Air Force
Property Number: 18201310040
Status: Excess
Directions: 9005, 217, 222, 234, 803, 902, 903, 904, 905, 990, 994, 1001, 1096, 1110, 2128, 3333, 3805, 4005, 4008, 7005, 7007, 7037, 7038, 7041
Comments: sf. varies; fair to moderate conditions; currently bldgs. are unavailable because they are being utilized by the AF

Building 4008
6285 Hilltop Rd.
Tinker AFB OK 73145
Landholding Agency: Air Force
Property Number: 18201320085
Status: Excess
Comments: 7,767 sf.; depot operations facility; fair conditions; not available due to existing AF need

Unsuitable Properties

Building

Alabama

Building 27, Heating Facility
323 Kirkpatrick Avenue
Maxwell AFB AL 36112
Landholding Agency: Air Force
Property Number: 18201320013
Status: Unutilized
Comments: Public access denied & no alternative method to gain access without compromising Nat'l security w/out compromising Nat'l sec.
Reasons: Secured Area

Bldg. 31
450 Cedar St.
Maxwell AFB AL 36112
Landholding Agency: Air Force
Property Number: 18201230026
Status: Unutilized
Comments: located w/in restricted area; public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

Building 853
25 South LeMay
Maxwell AFB AL 36112
Landholding Agency: Air Force
Property Number: 18201240002
Status: Underutilized
Comments: located on active military installation; public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

6 Buildings
Maxwell AFB
Maxwell AL
Landholding Agency: Air Force
Property Number: 18201240021
Status: Underutilized
Directions: 302, 307, 1411,695,699,322
Comments: public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

2 Buildings
Maxwell AFB
Maxwell AFB AL 36112
Landholding Agency: Air Force
Property Number: 18201310034
Status: Underutilized
Directions: 1450, 1451
Comments: secured military installation; public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

3 Buildings
Visiting Officer Qtrs.
Gunter Annex AL 36114
Landholding Agency: Air Force
Property Number: 18201310035
Status: Underutilized
Directions: 1014, 1015, 1016
Comments: secured military installation; public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

Building 926
210 Kirkpatrick Ave.
Maxwell AFB AL 36112

Landholding Agency: Air Force
Property Number: 18201310043
Status: Underutilized
Comments: secured military installation; public access denied & no alternative w/ out compromising Nat'l security
Reasons: Secured Area

Buildings 1450 & 1451
320 Chennault Circle
Maxwell AFB AL 36112
Landholding Agency: Air Force
Property Number: 18201320008
Status: Underutilized
Comments: Public access denied & no alternative method to gain access without compromising Nat'l security
Reasons: Secured Area

Building 1411, Visiting Airman
635 McDonnell Street
Maxwell AFB AL 36114
Landholding Agency: Air Force
Property Number: 18201320009
Status: Underutilized
Comments: Public access denied & no alter. w/out compromising Nat'l sec.
Reasons: Secured Area

3 Buildings
Maxwell AFB, Gunter Annex
Maxwell AFB AL 36114
Landholding Agency: Air Force
Property Number: 18201320010
Status: Underutilized
Directions: 1014, 1015, 1016
Comments: Public access denied & no alter. w/out compromising Nat'l sec.
Reasons: Secured Area

Building 26, Theater
325 Kirkpatrick Avenue
Maxwell AFB AL 36112
Landholding Agency: Air Force
Property Number: 18201320011
Status: Unutilized
Comments: Public access denied & no alter. w/out compromising Nat'l sec.
Reasons: Secured Area

Building 122, Military Family
321 Hickory Street
Maxwell AFB AL 36112
Landholding Agency: Air Force
Property Number: 18201320012
Status: Underutilized
Comments: Public access denied & no alter. w/out compromising Nat'l sec.
Reasons: Secured Area

4 Facilities
20 Kelly Street
Maxwell AFB AL 36112
Landholding Agency: Air Force
Property Number: 18201320014
Status: Excess
Directions: 1073, 1074, 1075, 1076
Comments: Public access denied & no alter. w/out compromising Nat'l sec.
Reasons: Secured Area

Alaska

3 Buildings
Eielson AFB
Eielson AK
Landholding Agency: Air Force
Property Number: 18201310017
Status: Unutilized
Directions: 6161, 6120, 6154
Comments: w/in secured area; public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

6 Buildings
Eielson AFB
Eielson AK 99702
Landholding Agency: Air Force
Property Number: 18201310019
Status: Unutilized
Directions: 2208, 3125, 6151, 6156, 6158, 6159
Comments: w/in secured area; public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

5 Buildings
Eareckson Air Station
Eareckson AS AK 99546
Landholding Agency: Air Force
Property Number: 18201310037
Status: Unutilized
Directions: 0719, 00400, 03055, 0071, 00702
Comments: restricted access; public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

Building 3 & 21
Flaxman Island
Flaxmand Island AK
Landholding Agency: Air Force
Property Number: 18201320030
Status: Excess
Comments: Public access denied & no alter. w/out compromising Nat'l sec.
Reasons: Secured Area

10 Buildings
Flaxman Island
Flaxman Island AK
Landholding Agency: Air Force
Property Number: 18201320031
Status: Excess
Directions: 22, 23, 24, 41, 44, 4, 5, 100, 101, 105
Comments: Public access denied & no alter. w/out compromising Nat'l sec.
Reasons: Secured Area

Building 1
Flaxman Island
Flaxman Island AK 99506
Landholding Agency: Air Force
Property Number: 18201320068
Status: Excess
Comments: Public access denied & no alter. w/out compromising Nat'l sec.
Reasons: Secured Area

Building 4
Flaxman Island
Flaxman Island AK
Landholding Agency: Air Force
Property Number: 18201320078
Status: Excess
Comments: public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

Arizona

7 Buildings
Davis Monthan AFB
Tucson AZ 85707
Landholding Agency: Air Force
Property Number: 18201310042
Status: Underutilized
Directions: 145, 4101, 4857, 4858, 5122, 5313, 5315
Comments: military installation; public access denied & no alternative w/out compromising Nat'l security
Reasons: Secured Area

Building 1535-Credit Union W.
N. 138th Ave.
Glendale AZ 85309
Landholding Agency: Air Force
Property Number: 18201320001
Status: Excess
Comments: w/in secured area; public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

2 Buildings
Davis Monthan AFB
Tucson AZ 85707
Landholding Agency: Air Force
Property Number: 18201320027
Status: Underutilized
Directions: 206, 207
Comments: Located on a gated entry controlled military base, public access denied & no alter. w/out compromising Nat'l sec.
Reasons: Secured Area

3 Building
Davis Monthan AFB
Tucson AZ 85707
Landholding Agency: Air Force
Property Number: 18201320060
Status: Underutilized
Directions: 5315,206,207
Comments: Public access denied & no alter. w/out compromising Nat'l sec.
Reasons: Secured Area

California

2 Buildings
401 & 405 14th St.
Edwards AFB CA 93524
Landholding Agency: Air Force
Property Number: 18201230002
Status: Unutilized
Directions: 7177, 7179
Comments: public access not allowed; no alternative method to allow public access w/out comprising Nat'l security
Reasons: Secured Area

4259
741 Circle
Edwards AFB CA 93524
Landholding Agency: Air Force
Property Number: 18201230003
Status: Unutilized
Comments: public access not allowed; no alternative method to allow public access w/out comprising Nat'l security
Reasons: Secured Area

3 Buildings
Edwards AFB
Edwards AFB CA 93524
Landholding Agency: Air Force
Property Number: 18201230032
Status: Unutilized
Directions: 1412, 4203, 7020
Comments: located w/in restricted area where public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

26 Buildings
Eureka Hill Rd.
Point Arena Air CA
Landholding Agency: Air Force
Property Number: 18201240011
Status: Underutilized
Directions: 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617,

618, 619, 620, 621, 622, 623, 624, 625, 626, 627
Comments: secured area; public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

21 Buildings
Eureka Hill Rd.
Point Arena Air CA
Landholding Agency: Air Force
Property Number: 18201240012
Status: Underutilized
Directions: 100, 102, 104, 105, 160, 201, 108, 202, 203, 206, 220, 221, 222, 225, 228, 217, 218, 408, 700, 300, 216
Comments: secured area; public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

ACFT DY RSCH
Edwards AFB
Edwards CA
Landholding Agency: Air Force
Property Number: 18201240016
Status: Unutilized
Comments: secured area; public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

ACFT RSCH ENG
Edwards AFB
Edwards CA
Landholding Agency: Air Force
Property Number: 18201240017
Status: Unutilized
Comments: secured area; public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

Kennel Stray Animal
Edwards AFB
Edwards CA
Landholding Agency: Air Force
Property Number: 18201240018
Status: Excess
Comments: secured area; public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

10 Buildings
Fresno Yosemite Intern 'l
Fresno CA 93727
Landholding Agency: Air Force
Property Number: 18201240036
Status: Excess
Directions: 2202, 2203, 2204, 2206, 2207, 2208, 2217, 2219, 2221, 2223
Comments: restricted area; public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

4 Buildings
Arnold/Grumman Ave.
Beale CA 95903
Landholding Agency: Air Force
Property Number: 18201310018
Status: Underutilized
Directions: 1057, 1058, 1226, 1152
Comments: w/in secured area; public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

4 Buildings
Edwards AFB
Edwards AFB CA 93523
Landholding Agency: Air Force
Property Number: 18201310053
Status: Underutilized
Directions: B1412, B1400, B4900, B8834
Comments: secured area; public access denied & no alternative w/out compromising Nat'l security
Reasons: Secured Area

2 Buildings
MISC REC BLDG.
Edwards AFB CA 93523
Landholding Agency: Air Force
Property Number: 18201310054
Status: Unutilized
Directions: B5206, B16
Comments: secured area; public access denied & no alternative w/out compromising Nat'l security
Reasons: Secured Area

3 Buildings
Doolittle, Camp Beale & Grass Valley
Beale CA
Landholding Agency: Air Force
Property Number: 18201320003
Status: Unutilized
Directions: 1299, 3296 & 5775
Comments: located on base w/controlled access; public access denied & no alter. method w/out compromising Nat'l sec.
Reasons: Secured Area

West Wing Education Center
144 Wyoming Ave.
Vandenberg CA 93437
Landholding Agency: Air Force
Property Number: 18201320061
Status: Underutilized
Directions: 10 Buildings; 14001–14010
Comments: Public access denied & no alter. w/out compromising Nat'l sec.
Reasons: Secured Area

Building 124
Defense Distribution, San Joaquin
Sharpe Site
Lathrop CA 95231
Landholding Agency: Air Force
Property Number: 18201330052
Status: Unutilized
Comments: Public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

Colorado

4 Buildings
Buckley AFB
Aurora CO 80011
Landholding Agency: Air Force
Property Number: 18201230017
Status: Underutilized
Directions: B1504, B1503, B1502, B1501
Comments: located w/in secured area where public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

San Latrine Shower
1093 Ferl Rd.
USAF Academy CO 80840
Landholding Agency: Air Force
Property Number: 18201230033
Status: Underutilized
Comments: located w/in secured area; public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

12 Buildings
Military Housing
USAF Academy CO
Landholding Agency: Air Force
Property Number: 18201310029
Status: Unutilized
Directions: 66073, 66080, 66100, 66074, 66081, 66101, 66070, 66071, 66082, 66102, 9328, 9329
Comments: w/in secured area; public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

Building 1615
1390 S. Chucara Street
Aurora CO 80011
Landholding Agency: Air Force
Property Number: 18201320028
Status: Unutilized
Comments: Public access denied & no alter. method w/out compromising Nat'l sec.
Reasons: Secured Area

B/2001
Range 123W.-Prairie
Pueblo West CO 81007
Landholding Agency: Air Force
Property Number: 18201330035
Status: Underutilized
Comments: Public access denied & no alternative method to gain access w/out compromising Nat'l security.
Reasons: Secured Area

Connecticut

Three Building
Naval Submarine Base New London
Groton CT 06349
Landholding Agency: Navy
Property Number: 77201330036
Status: Excess
Directions: 152,427,436
Comments: Public access denied & no alternative method to gain access w/out compromising Nat'l security.
Reasons: Secured Area

Delaware

2 Buildings
Dover AFB
Dover DE 19902
Landholding Agency: Air Force
Property Number: 18201230018
Status: Underutilized
Directions: 3499,899
Comments: located w/in secured area where public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

Building 2818
2600 Spruance Dr.
New Castle DE 19720
Landholding Agency: Air Force
Property Number: 18201310050
Status: Unutilized
Comments: secured area; public access denied & no alternative w/out compromising Nat'l security
Reasons: Secured Area

Florida

Facilities 28407 & 28411
1656 Lighthouse Rd.
Cape Canaveral FL 32925
Landholding Agency: Air Force

Property Number: 18201220009
Status: Excess
Comments: Nat'l security concerns; public access denied & no alternative method to gain access w/out comprising Nat'l security.
Reasons: Secured Area

2 Buildings
Hurlburt Field
Hurlburt Field FL 32544
Landholding Agency: Air Force
Property Number: 18201220010
Status: Underutilized
Directions: 90318 and 90319
Comments: Nat'l security concerns; public access denied & no alternative method to gain access w/out comprising Nat'l security.
Reasons: Secured Area

10 Buildings
Cape Canaveral
Cape Canaveral FL 32925
Landholding Agency: Air Force
Property Number: 18201220039
Status: Excess
Directions: 28411, 28415, 44500, 49928, 28401, 24445, 24404, 24403, 1715, 70540
Comments: Nat'l security concerns; public access denied & no alternative method to gain access w/out comprising Nat'l security
Reasons: Secured Area

3 Buildings
MacDill AFB
MacDill FL 33621
Landholding Agency: Air Force
Property Number: 18201230009
Status: Unutilized
Directions: 1205, 1149, 1135
Comments: located w/in secured area where public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

10 Buildings
Samuel C. Phillips Pkwy
Cape Canaveral AFB FL 32925
Landholding Agency: Air Force
Property Number: 18201230014
Status: Excess
Directions: 84922, 84920, 67900, 60535, 60534, 1361, 40906, 56623, 36004, 17705
Comments: located w/in secured area where public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

Facility 49800
15030 Samuel C. Phillips Pkwy
Cape Canaveral FL 32925
Landholding Agency: Air Force
Property Number: 18201230019
Status: Excess
Comments: located w/in secured area where public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

Bldg. 1132
Transmitter Rd.
MacDill AFB FL 33621
Landholding Agency: Air Force
Property Number: 18201230021
Status: Unutilized
Comments: located w/in secured area where public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

Bldg. 297
8005 Hillsborough Loop Dr.
MacDill FL 33621
Landholding Agency: Air Force
Property Number: 18201230049
Status: Underutilized
Comments: located w/in secured area; public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

8 Buildings
Eglin AFB
Eglin FL 32542
Landholding Agency: Air Force
Property Number: 18201230057
Status: Underutilized
Directions: 223, 255, 411, 584, 1278, 1284, 1289, 4023
Comments: located in restricted controlled gov't installation; public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

2 Buildings
Eglin AFB
Eglin FL 32542
Landholding Agency: Air Force
Property Number: 18201230058
Status: Unutilized
Directions: 586, 9267
Comments: located un restricted controlled gov't installation; public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

7 Buildings
Eglin AFB
Eglin FL 32542
Landholding Agency: Air Force
Property Number: 18201240015
Status: Underutilized
Directions: 249, 250, 251, 256, 408, 888, 955
Comments: restricted area; public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

4 Buildings
Fighter Wing, FL ANGB
Jacksonville FL 32218
Landholding Agency: Air Force
Property Number: 18201240028
Status: Underutilized
Directions: 1014, 1015, 1016, 1017
Comments: property located on a gated entry controlled military base; public access denied & no alternative to gain access w/out compromising Nat'l security.
Reasons: Secured Area

Facility 3013
107 Ford St.
Eglin AFB FL 32542
Landholding Agency: Air Force
Property Number: 18201240034
Status: Underutilized
Comments: located in a secured area; on the Duke Field cantonment area; public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

3 Buildings
Tyndall AFB
Tyndall FL 32403
Landholding Agency: Air Force
Property Number: 18201310012
Status: Unutilized
Directions: B122, B123, 920
Comments: located w/in secured area; public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

21 Buildings
Cape Canaveral AFS
Cape Canaveral AFS FL 32925
Landholding Agency: Air Force
Property Number: 18201310032
Status: Unutilized
Directions: 1627, 2826, 2842, 4120, 5414, 7006, 7850, 8602, 15832, 28403, 28404, 28408, 28409, 28414, 28420, 28422, 28423, 28425, 28502, 28504, 36001
Comments: secured area; public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

5 Buildings
Kennedy Space Ctr. Communications
Kennedy Space Ctr. FL 32815
Landholding Agency: Air Force
Property Number: 18201310033
Status: Unutilized
Directions: 29115, 29120, 29139, 29142, 95401
Comments: secured area; public access denied & no alternative method without compromising Nat'l security
Reasons: Secured Area

Building 91400
Traffic Check House
Hurlburt Field FL 32544
Landholding Agency: Air Force
Property Number: 18201310052
Status: Underutilized
Comments: secured area; public access denied & no alternative w/out compromising Nat'l security
Reasons: Secured Area

12 Buildings
Florida Ave.
Tyndall AFB FL 32403
Landholding Agency: Air Force
Property Number: 18201310061
Status: Underutilized
Directions: 6030, 6022, 6021, 6020, 6016, 6014, 6025, 6023, 6028, 9706, 9704, 9719
Comments: secured area; public access denied & no alternative method w/out compromising Nat'l security
Reasons: Secured Area

6027 CE Shop/DRMO
302 Florida Ave.
Tyndall AFB FL 32403
Landholding Agency: Air Force
Property Number: 18201310062
Status: Excess
Comments: secured area; public access denied & no alternative method w/out compromising Nat'l security
Reasons: Secured Area

Building 90911
3 Hume Drive
Hurlburt Field FL 32544
Landholding Agency: Air Force
Property Number: 18201320032
Status: Unutilized
Comments: Public access denied & no alter. w/out compromising Nat'l sec.

Reasons: Secured Area

5 Building
MacDill AFB
MacDill AFB FL 33621
Landholding Agency: Air Force
Property Number: 18201320051
Status: Underutilized
Directions: 827, 826, 694, 550, 13
Comments: Not accessible to public; no alter. to gain access w/out compromising Nat'l sec.
Reasons: Secured Area

3 Building
MacDill AFB
MacDill AFB FL 33621
Landholding Agency: Air Force
Property Number: 18201320052
Status: Underutilized
Directions: 1107, 65, 60
Comments: Not accessible to public; no alter. to gain access w/out compromising Nat'l sec.
Reasons: Secured Area

Building 90716
415 Independence Rd.
Hurlburt Field FL 32544
Landholding Agency: Air Force
Property Number: 18201320063
Status: Underutilized
Comments: Public access denied & no alter. w/out compromising Nat'l sec.
Reasons: Secured Area

2 Buildings
MacDill AFB
MacDill AFB FL 33671
Landholding Agency: Air Force
Property Number: 18201320065
Status: Unutilized
Directions: 1153, 1271
Comments: Public access denied & no alter. w/out compromising Nat'l sec.
Reasons: Secured Area

2 Buildings
FTFA
Eglin AFB FL 32542
Landholding Agency: Air Force
Property Number: 18201330018
Status: Underutilized
Directions: 2664, 2694
Comments: Public access denied & no alternative to gain access w/out compromising Nat'l security.
Reasons: Secured Area

Building 56636
755 Lighthouse Rd.
Cape Canaveral AFS FL 32925
Landholding Agency: Air Force
Property Number: 18201330020
Status: Unutilized
Comments: Public access denied & no alternative method to gain access w/out compromising Nat'l security.
Reasons: Secured Area

Hawaii

7 Buildings
Wake Island
Wake Island HI 96898
Landholding Agency: Air Force
Property Number: 18201310038
Status: Unutilized
Directions: 01403, 01406, 01407, 01408, 01411, 01186
Comments: restricted area; public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

16 Buildings
Wake Island
Wake Island HI 96898
Landholding Agency: Air Force
Property Number: 18201310055
Status: Unutilized
Directions: 00404, 00443, 00445, 00950, 01172, 01174, 01186, 01187, 01202, 01204, 01211, 01212, 01216, 01306, 1808
Comments: secured area; public access denied & no alternative method w/out compromising Nat'l security
Reasons: Secured Area

2 Buildings
Wake Island
Wake Island HI 96898
Landholding Agency: Air Force
Property Number: 18201330009
Status: Unutilized
Directions: 01406, 01403
Comments: Public access denied & no alternative to gain access w/out compromising Nat'l security.
Reasons: Secured Area

3 Buildings
Joint Base Pearl Harbor
JBPH HI
Landholding Agency: Air Force
Property Number: 18201330032
Status: Unutilized
Directions: 21418, 83220, 83214
Comments: Public access denied & no alternative method to gain access w/out compromising Nat'l security.
Reasons: Secured Area

Building 102
Wake Island Airfield
Wake Island HI 96898
Landholding Agency: Air Force
Property Number: 18201330047
Status: Unutilized
Comments: 100 present of the property located in floodway; not contained or corrected.
Reasons: Floodway

Joint Base Pearl Harbor Hickam
Installation N62813
325 Gardner Ave.
Pearl Harbor HI 96853
Landholding Agency: Air Force
Property Number: 18201330048
Status: Unutilized
Comments: Public access denied & no alternative method to gain access w/out compromising Nat'l security.
Reasons: Secured Area

Palehua Solar Observatory
Research Site
SW Oahu, HI
Makakilo HI 96707
Landholding Agency: GSA
Property Number: 54201330010
Status: Surplus
GSA Number: 9–D–HI–816
Directions: Disposal: GSA? Landholding: Air Force?
Comments: Inaccessible due to property can only be reaching by crossing private property and there is no established right or means of entry.
Reasons: Not accessible by road

Idaho

Fac. 291
Bomber Rd.
MHAFB ID 83648
Landholding Agency: Air Force
Property Number: 18201240013
Status: Unutilized
Comments: secured area; public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

Illinois

3 Buildings
Scott AFB
Scott AFB IL 62225
Landholding Agency: Air Force
Property Number: 18201220034
Status: Unutilized
Directions: 1984, 1985, 530
Comments: High security active duty installation; Nat'l security concerns; public access denied & no alternative method to gain access w/out comprising Nat'l security
Reasons: Secured Area

B1508
107 Bucher St.
Scott AFB IL 62225
Landholding Agency: Air Force
Property Number: 18201230023
Status: Excess
Comments: authorized access only; restricted area; public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

Building 509
611 South Drive
Scott AFB IL 62225
Landholding Agency: Air Force
Property Number: 18201310009
Status: Unutilized
Comments: located w/in secured area; public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

2 Buildings
Scott AFB
Scott AFB IL 62225
Landholding Agency: Air Force
Property Number: 18201320029
Status: Unutilized
Directions: 3270, 4900
Comments: High security active duty installation; public access denied & no alter. method w/out compromising Nat'l sec.
Reasons: Secured Area

2 Buildings
Abraham Lincoln Capital Airport
Springfield IL 62707
Landholding Agency: Air Force
Property Number: 18201330031
Status: Excess
Directions: 124, 5
Comments: Public access denied & no alternative method to gain access w/out compromising Nat'l security.
Reasons: Secured Area

Indiana

Facilities 99 & 1371
Stor Igloos
Terre Haute IN 47803
Landholding Agency: Air Force
Property Number: 18201220019
Status: Unutilized

Comments: Nat'l security concerns; public access denied & no alternative method to gain access w/out comprising Nat'l security.
Reasons: Secured Area

Kansas

7 Buildings
McConnell AFB
McConnell KS 67210
Landholding Agency: Air Force
Property Number: 18201220033
Status: Underutilized
Directions: 408, 415, 424, 425, 696, 750, 1120
Comments: Nat'l security concerns; public access denied & no alternative method to gain access w/out comprising Nat'l security
Reasons: Secured Area

4 Buildings
McConnell AFB
McConnell KS 67210
Landholding Agency: Air Force
Property Number: 18201310005
Status: Underutilized
Directions: 683, 950, 1091, 1335
Comments: restricted military installation; public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

9 Buildings
McConnell AFB
Wichita KS 67221
Landholding Agency: Air Force
Property Number: 18201330019
Status: Underutilized
Directions: 1102, 1106, 338, 978, 979, 516, 1122, P973, 984
Comments: Public access denied & no alternative method to gain access w/out compromising Nat'l security.
Reasons: Secured Area

Building 985
McConnell AFB
Wichita KS 67221
Landholding Agency: Air Force
Property Number: 18201330021
Status: Underutilized
Comments: Public access denied & no alternative method to gain access w/out compromising Nat'l security.
Reasons: Secured Area

Louisiana

3 Buildings
Barksdale AFB
Barksdale AFB LA 71110
Landholding Agency: Air Force
Property Number: 18201220032
Status: Unutilized
Directions: 5724, 7318, 7136
Comments: Nat'l security concerns; public access denied & no alternative method to gain access w/out comprising Nat'l security
Reasons: Secured Area

4 Buildings
Barksdale AFB
Barksdale LA 71110
Landholding Agency: Air Force
Property Number: 18201240004
Status: Unutilized
Directions: 4411,4414,4421,4868
Comments: w/in restricted area; public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

B–4401
743 Kenny Ave.
Barksdale LA 71110
Landholding Agency: Air Force
Property Number: 18201240005
Status: Excess
Comments: restricted area; public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

Building 4161
460 Billy Mitchell Ave.
Barksdale LA 71110
Landholding Agency: Air Force
Property Number: 18201240014
Status: Underutilized
Comments: secured area; public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

2 Buildings
300 Miller Ave.
Boosier City LA 71112
Landholding Agency: Air Force
Property Number: 18201240035
Status: Unutilized
Directions: 6117, 6119
Comments: located w/in 1,500 ft. of a Federal facility handling 34,000 gallons of flammable materials; located within aircraft accident potential zone 1 (most dangerous); military airfield clear zone
Reasons: Within airport runway clear zone Within 2000 ft. of flammable or explosive material

7 Buildings
Kenny Ave.
Barksdale AFB LA 71110
Landholding Agency: Air Force
Property Number: 18201320005
Status: Underutilized
Directions: 4421, 4423, 4427, 4431, 4432, 4433, 4434
Comments: public access denied & no alter. w/out compromising Nat'l sec.
Reasons: Secured Area

4 Buildings
Kenny Ave.
Barksdale AFB LA 71110
Landholding Agency: Air Force
Property Number: 18201320006
Status: Underutilized
Directions: 4412, 4414, 4133, 4134
Comments: Public access denied & no alter. to access w/out compromising Nat'l sec.
Reasons: Secured Area

Building 4161
460 Billy Mitchell Ave.
Barksdale AFB LA 71110
Landholding Agency: Air Force
Property Number: 18201320034
Status: Underutilized
Comments: Public access denied & no alter. w/out compromising Nat'l sec.
Reasons: Secured Area

Building 4401
743 Kenny Ave.
Barksdale AFB LA 71110
Landholding Agency: Air Force
Property Number: 18201320035
Status: Excess
Comments: Public access denied & no alter. w/out compromising Nat'l sec.
Reasons: Secured Area

Building 4411
Kenny Ave.
Barksdale AFB LA 71110
Landholding Agency: Air Force
Property Number: 18201320036
Status: Unutilized
Comments: Public access denied & no alter. w/out compromising Nat'l sec.
Reasons: Secured Area

B–7244
4411 Kenny Ave.
Barksdale AFB LA 71110
Landholding Agency: Air Force
Property Number: 18201330025
Status: Underutilized
Comments: Public access denied & no alternative method to gain access w/out compromising Nat'l security.
Reasons: Secured Area

B–5485
Barksdale AFB
Barksdale LA 71110
Landholding Agency: Air Force
Property Number: 18201330040
Status: Unutilized
Comments: Public access denied & no alternative method to gain access w/out compromising Nat'l security.
Reasons: Secured Area

Maine

Building 421
Bangor International Airport
Bangor ME 04401
Landholding Agency: Air Force
Property Number: 18201320057
Status: Excess
Comments: Public access & no alters. w/out compromising Nat'l sec.
Reasons: Secured Area

Building 495
104 Glenn Ave.
Bangor ME 04401
Landholding Agency: Air Force
Property Number: 18201320059
Status: Excess
Comments: Public access denied & no alters. w/out compromising Nat'l sec.
Reasons: Secured Area

Maryland

2 Buildings
Martin State Airport
Baltimore MD 21220
Landholding Agency: Air Force
Property Number: 18201220022
Status: Excess
Directions: 1120 & 1121
Comments: Nat'l security concerns; public access denied & no alternative method to gain access w/out comprising Nat'l security.
Reasons: Secured Area

10 Buildings
Joint Base Andrews
JBA MD 20762
Landholding Agency: Air Force
Property Number: 18201330023
Status: Unutilized
Directions: 1049, 1050, 1052, 1053, 1057, 1061, 1063, 1075, 1601, 1603
Comments: Public access denied & no alternative method to gain access w/out compromising Nat'l security.
Reasons: Secured Area

Massachusetts

137 Pump House
Reilly House
OTIS ANGB MA
Landholding Agency: Air Force
Property Number: 18201230048
Status: Excess
Comments: located w/in secured area; public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

3 Buildings
175 Falcon Dr.
Westfield MA 01085
Landholding Agency: Air Force
Property Number: 18201240026
Status: Excess
Directions: 16, 35, 28
Comments: located on secured area; public access denied & no alternative methods to gain access w/out compromising Nat'l security
Reasons: Secured Area

2 Building
50 Maple Street
Milford MA 01757
Landholding Agency: Air Force
Property Number: 18201320056
Status: Excess
Directions: 100 & 101
Comments: Public access denied & no alter. w/out compromising Nat'l sec.
Reasons: Secured Area

Mississippi

4 Buildings
Kessler AFB
Kessler AFB MS 39534
Landholding Agency: Air Force
Property Number: 18201220037
Status: Underutilized
Directions: 4813, 4815, 4906, 4910
Comments: Nat'l security concerns; public access denied & no alternative method to gain access w/out comprising Nat'l security
Reasons: Secured Area

Bldg. 21005
6225 M St.
Meridian MS 39307
Landholding Agency: Air Force
Property Number: 18201230046
Status: Unutilized
Comments: Access limited to military personnel only; public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

Building 630
713 Lockhart
Columbus MS 39710
Landholding Agency: Air Force
Property Number: 18201230060
Status: Underutilized
Comments: public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

Building 115
null
CRTC Gulfport
Gulfport MS 39507
Landholding Agency: Air Force
Property Number: 18201330042
Status: Excess
Comments: Public access denied & no alternative method to gain access w/out compromising Nat'l security.
Reasons: Secured Area

Missouri

Building 115
10800 Lambert Int'l Blvd.
St. Louis MO 63044
Landholding Agency: Air Force
Property Number: 18201310004
Status: Unutilized
Comments: restricted military installation; public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

Nebraska

Building 113
null
Offutt AFB NE 68113
Landholding Agency: Air Force
Property Number: 18201320039
Status: Excess
Comments: Public access denied and no alter. Without compromising Nat'l sec.
Reasons: Secured Area

5 Building
Offutt AFB
Omaha NE 68113
Landholding Agency: Air Force
Property Number: 18201320041
Status: Excess
Directions: 135,139,308,328,404
Comments: Public access denied—no alter. without compromising Nat'l sec.
Reasons: Secured Area

Building 670
1111 West Oak Ave.
Lincoln NE 68524
Landholding Agency: Air Force
Property Number: 18201320084
Status: Unutilized
Comments: 100% of property located in floodway; floodway has not been correct or contained
Reasons: Floodway

New Hampshire

PEASE ANGB
302 Newmarket St.
Newington NH 03803
Landholding Agency: Air Force
Property Number: 18201230043
Status: Unutilized
Comments: public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

New Jersey

3 Buildings
Joint Base McGuire Dix Lakehurst
Ft. Dix NJ 08640
Landholding Agency: Air Force
Property Number: 18201230008
Status: Unutilized
Directions: 9725, 9055, 9404
Comments: located w/in secured area where public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

Facility 9418
Joint Base McGuire Dix Lakehurst
Ft. Dix NJ 08640
Landholding Agency: Air Force
Property Number: 18201230013
Status: Unutilized
Comments: located w/in secured area where public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

4 Buildings
Joint Base McGuire-Dix-Lakehurst
Ft. Dix NJ 08640
Landholding Agency: Air Force
Property Number: 18201230051
Status: Unutilized
Directions: 9723,9728,9411,9403
Comments: located w/in secured area where public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

Bldg. 9415
9410 Old Shore Rd.
Ft. Dix NJ 08640
Landholding Agency: Air Force
Property Number: 18201230053
Status: Unutilized
Comments: located w/in restricted area where public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

Traffic Check House
3573 Lancaster Rd.
Trenton NJ 08641
Landholding Agency: Air Force
Property Number: 18201230054
Status: Unutilized
Comments: located w/in secured post; public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

Building 7434
Madison Rd.
JBMDL NJ 08640
Landholding Agency: Air Force
Property Number: 18201320004
Status: Unutilized
Comments: public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

Bldg. 118 (Hanger 4)
118 Keller Road
JBMDL NJ 08733
Landholding Agency: Air Force
Property Number: 18201320022
Status: Excess
Comments: Public access denied & no alter. w/out compromising Nat'l sec.
Reasons: Secured Area

2 Buildings
Joint Base McGuire-Dix Lakehurst
JBMDL NJ 08640
Landholding Agency: Air Force
Property Number: 18201330026
Status: Unutilized
Directions: 9162, 9895
Comments: Public access denied & no alternative method to gain access w/out compromising Nat'l security.
Reasons: Secured Area

Building 3351
JBMDL

JBMDL NJ 08641
Landholding Agency: Air Force
Property Number: 18201330043
Status: Unutilized
Comments: DOD personnel only; public access denied & no alternative to gain access w/out compromising Nat'l security.
Reasons: Secured Area

New Mexico

3 Buildings
Kirtland AFB
Kirtland AFB NM 87117
Landholding Agency: Air Force
Property Number: 18201220011
Status: Underutilized
Directions: 253, 255, 638
Comments: Nat'l security concerns; public access denied & no alternative method to gain access w/out comprising Nat'l security.
Reasons: Secured Area

Bldg. 30116
5801 Manzano St SE
Kirtland AFB NM 87117
Landholding Agency: Air Force
Property Number: 18201220012
Status: Underutilized
Comments: Nat'l security concerns; public access denied & no alternative method to gain access w/out comprising Nat'l security.
Reasons: Secured Area

6 Buildings
Kirtland AFB
Kirtland AFB NM 87117
Landholding Agency: Air Force
Property Number: 18201220013
Status: Unutilized
Directions: 37514, 37511, 37509, 37503, 30144, 30108
Comments: Nat'l security concerns; public access denied & no alternative method to gain access w/out comprising Nat'l security.
Reasons: Secured Area

Bldgs. 573, 855, 859
Holloman AFB
Holloman AFB NM 88330
Landholding Agency: Air Force
Property Number: 18201220023
Status: Unutilized
Comments: Nat'l security concerns; public access denied & no alternative method to gain access w/out comprising Nat'l security
Reasons: Secured Area

5 Buildings
Holloman AFB
Holloman AFB NM 88330
Landholding Agency: Air Force
Property Number: 18201220030
Status: Unutilized
Directions: 19, 838, 1197, 847, 1198
Comments: Nat'l security concerns; public access denied due to anti-terrorism & no alternative method to gain access w/out comprising Nat'l security
Reasons: Secured Area

Buildings 782, 793, 1102, 803
Holloman AFB
Holloman NM 88330
Landholding Agency: Air Force
Property Number: 18201240008
Status: Unutilized
Comments: Active military installation; public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

5 Buildings
Cannon AFB
Cannon NM 88103
Landholding Agency: Air Force
Property Number: 18201240031
Status: Unutilized
Directions: 381, 799, 2112, 2332, 258
Comments: located on AF controlled installation; restricted to authorized personnel only; public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

Building 442
401 N. Chindit Blvd.
Cannon AFB NM 88103
Landholding Agency: Air Force
Property Number: 18201320002
Status: Unutilized
Comments: AF controlled installation; public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

4 Buildings
Kirtland AFB
Kirtland AFB NM 87117
Landholding Agency: Air Force
Property Number: 18201320037
Status: Unutilized
Directions: 734, 1912, 37529, 37530
Comments: Within a military controlled under heightened sec. alter area, public access denied—no alter without compromising Nat'l sec.
Reasons: Secured Area

7 Building
Kirkland AFB
Kirkland AFB NM 87117
Landholding Agency: Air Force
Property Number: 18201320038
Status: Underutilized
Directions: 640, 639, 426, 1035, 1103, 954, 1103
Comments: w/in a military-controlled under heightened sec. alert area, public access denied & no alter. w/out compromising Nat'l sec.
Reasons: Secured Area

Building 848
Holloman AFB
Holloman NM 88330
Landholding Agency: Air Force
Property Number: 18201330007
Status: Unutilized
Comments: Public access denied due to anti-terrorism/force protection; no alternative method to gain access.
Reasons: Secured Area

North Dakota

28 Building
JFSD Grand Forks AFB
Grand Folks ND 58205
Landholding Agency: Air Force
Property Number: 18201320043
Status: Unutilized
Directions: 702, 727, 728, 729, 730, 731, 733, 726, 725, 724, 723, 722, 720, 719, 718, 717, 715, 714, 713, 712, 711, 709, 708, 707, 706, 705, 703, 704
Comments: Not accessible to public & no alter. w/out compromising Nat'l sec.
Reasons: Secured Area

Ohio

Facility 20167
2310 Eighth St.
WPAFB OH 43433
Landholding Agency: Air Force
Property Number: 18201230031
Status: Unutilized
Comments: located w/in controlled fenced perimeter of military installation; public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

10 Buildings
WPAFB
WPAFB OH 45433
Landholding Agency: Air Force
Property Number: 18201310013
Status: Unutilized
Directions: 10297, 20062, 20096, 20130, 30153, 30882, 30902, 31190, 30230, 31234
Comments: w/in secured installation; public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

3 Building
Wright-Patterson AFB
WPAFB OH 45433
Landholding Agency: Air Force
Property Number: 18201320058
Status: Unutilized
Directions: 00841, 34020, 34065
Comments: w/insured gov't installation; public access denied & no alter. w/out compromising Nat'l sec.
Reasons: Secured Area

3 Buildings
121st ARW/ANG
Columbus OH
Landholding Agency: Air Force
Property Number: 18201330030
Status: Underutilized
Directions: 2004,873,670
Comments: Public access denied & no alternative method to gain access w/out compromising Nat'l security.
Reasons: Secured Area

848 Pav Grnd Facility
Rickenbacker (NLZG)
Columbus OH 43217
Landholding Agency: Air Force
Property Number: 18201330044
Status: Underutilized
Comments: Public access denied & no alternative method to gain access w/out compromising Nat'l security.
Reasons: Secured Area

Oklahoma

Facility 47
Altus AFB
AGGN OK 73523
Landholding Agency: Air Force
Property Number: 18201230030
Status: Excess
Comments: public access denied due to anti-terrorism/force protection & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

Facility 47
501 North First St.
Altus OK 73523

Landholding Agency: Air Force
Property Number: 18201240022
Status: Excess
Comments: public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

4 Buildings
Altus AFB
Altus OK 73523
Landholding Agency: Air Force
Property Number: 18201240023
Status: Unutilized
Directions: 165,65,72,48
Comments: secured area; public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

2 Buildings
Altus AFB
Altus OK 73523
Landholding Agency: Air Force
Property Number: 18201310051
Status: Unutilized
Directions: 267, 335
Comments: secured area; public access denied & no alternative w/out compromising Nat'l security
Reasons: Secured Area

3 Buildings
Altus AFB
Altus OK 73521
Landholding Agency: Air Force
Property Number: 18201330036
Status: Unutilized
Directions: 154,171,170
Comments: Public access denied due to anti-terrorism/force protection & no alternative method to gain access w/out compromising Nat'l security.
Reasons: Secured Area

Oregon

Building 1004
6801 NE Cornfoot Rd.
Portland OR 97218
Landholding Agency: Air Force
Property Number: 18201240025
Status: Unutilized
Comments: located on secured area; public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

Building 188
6801 NE Cornfoot Road
Portland OR 97218
Landholding Agency: Air Force
Property Number: 18201320064
Status: Unutilized
Comments: Public access denied & no alter. method w/out compromising Nat'l sec.
Reasons: Secured Area

Building 370
Portland IAP TQKD (ANG)
Portland OR 97218
Landholding Agency: Air Force
Property Number: 18201330045
Status: Unutilized
Comments: Public access denied & no alternative to gain access w/out compromising Nat'l security.
Reasons: Secured Area

Pennsylvania

Pa Ang Bldg. 1–66
Ft. Indiantown Gap AGS, LKLW
Annville PA 17003
Landholding Agency: Air Force
Property Number: 18201330051
Status: Excess
Comments: Public access denied & no alternative method to gain access w/out compromising Nat'l security.
Reasons: Secured Area

South Carolina

Bldg. 211
110 Graves Ave.
Joint Base Charleston SC 29404
Landholding Agency: Air Force
Property Number: 18201230055
Status: Unutilized
Comments: located in restricted area; public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

Building 433
JBCWS
Goose Creek SC 29445
Landholding Agency: Air Force
Property Number: 18201310007
Status: Underutilized
Comments: located w/in secured area; public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

South Dakota

Building 80
LUXC Joe Foss Field
Sioux Falls SD 57104
Landholding Agency: Air Force
Property Number: 18201330039
Status: Excess
Comments: Public access denied & no alternative method to gain access w/out compromising Nat'l security.
Reasons: Secured Area

Tennessee

ACFT DY RSCH TEST
675 Second St.
Arnold AFB TN 37389
Landholding Agency: Air Force
Property Number: 18201230039
Status: Underutilized
Comments: located in secured restricted area; public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

4 Buildings
2219 Sixth St.
Arnold AFB TN 37389
Landholding Agency: Air Force
Property Number: 18201230040
Status: Underutilized
Directions: 2220, 2221, 2222, 2223
Comments: located in secured restricted area; public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

Bldg. 708
Nashville IAP
Nashville TN 37217
Landholding Agency: Air Force
Property Number: 18201230059
Status: Underutilized
Comments: authorized military personnel only; restricted area; public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

Building 712
240 Knapp Blvd.
Nashville TN 37217
Landholding Agency: Air Force
Property Number: 18201240024
Status: Excess
Comments: located on secured area; public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

Building 750
South Fourth St.
Arnold AFB TN 37389
Landholding Agency: Air Force
Property Number: 18201240037
Status: Excess
Comments: located on secured area where public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

Facilities 1470 & 1485
Arnold AFB
Arnold AFB TN 37389
Landholding Agency: Air Force
Property Number: 18201310063
Status: Excess
Comments: secured area; public access denied & no alternative method w/out compromising Nat'l security
Reasons: Secured Area

Building 131
320 Post Ave. McGhee Tyson
Louisville TN 37777
Landholding Agency: Air Force
Property Number: 18201320045
Status: Unutilized
Comments: Secured military installation; public access denied & no alter. method w/out compromising Nat'l sec.
Reasons: Secured Area

Building 13
320 Post Ave. McGhee Tyson
Louisville TN 37777
Landholding Agency: Air Force
Property Number: 18201320046
Status: Excess
Comments: Secured military installation, public access denied & no alter. w/out compromising Nat'l sec.
Reasons: Secured Area

Texas

11 Buildings
Ft. Sam Houston
San Antonio TX 78234
Landholding Agency: Air Force
Property Number: 18201220014
Status: Unutilized
Directions: 1149, 1151, 1152, 1153, 1154, 1158, 1159, 1160, 1161, 1162, 1163
Comments: Nat'l security concerns; public access denied & no alternative method to gain access w/out comprising Nat'l security.
Reasons: Secured Area

12 Buildings
Ft. Sam Houston
San Antonio TX 78234

Landholding Agency: Air Force
Property Number: 18201220015
Status: Unutilized
Directions: 2410, 2411, 2412, 2425, 2427, 2429, 2430, 2432, 3551, 3552, 3553, 3557
Comments: Nat'l security concerns; public access denied & no alternative method to gain access w/out comprising Nat'l security.
Reasons: Secured Area

Bldg. 435
Good fellow AFB
Good fellow AFB TX 76908
Landholding Agency: Air Force
Property Number: 18201220016
Status: Excess
Comments: Nat'l security concerns; public access denied & no alternative method to gain access w/out comprising Nat'l security.
Reasons: Secured Area

4 Buildings
Storage Munitions Cubicle
Lackland AFB TX
Landholding Agency: Air Force
Property Number: 18201220028
Status: Unutilized
Directions: 402, 403, 404, 585
Comments: Nat'l security concerns; public access denied & no alternative method to gain access w/out comprising Nat'l security
Reasons: Secured Area

Bldg. 1092
Sheppard AFB
Sheppard AFB TX 76311
Landholding Agency: Air Force
Property Number: 18201220029
Status: Unutilized
Comments: Nat'l security concerns; public access denied & no alternative method to gain access w/out comprising Nat'l security
Reasons: Secured Area

15 Buildings
Laughlin AFB
Del Rio TX 78843
Landholding Agency: Air Force
Property Number: 18201220040
Status: Unutilized
Directions: 47, 64, 113, 125, 136, 257, 284, 358, 360, 401, 510, 511, 2024, 8081, 9007
Comments: Nat'l security concerns; public access denied & no alternative method to gain access w/out comprising Nat'l security
Reasons: Secured Area

6 Buildings
BE Stor Shed
Randolph AFB TX
Landholding Agency: Air Force
Property Number: 18201220043
Status: Underutilized
Directions: B1281, B1282, B1284, B1285, B1286, B1287
Comments: Nat'l security concerns; public access denied & no alternative method to gain access w/out comprising Nat'l security
Reasons: Secured Area

5 Buildings
Good fellow AFB
Good fellow TX 76908
Landholding Agency: Air Force
Property Number: 18201230027
Status: Excess
Directions: 104, 508, 538, 707, 3070
Comments: anti-terrorism & force protection; located w/in restricted area where public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

B–6283
4810 Camp Bullis
Camp Bullis TX 78257
Landholding Agency: Air Force
Property Number: 18201230028
Status: Unutilized
Comments: located w/in secured area; public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

7 Buildings
4810 Camp Bullis
Camp Bullis TX 78257
Landholding Agency: Air Force
Property Number: 18201230029
Status: Unutilized
Directions: B5288, 5289, 5290, 5291,5292,5293,5294
Comments: located w/in secured area where public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

2.747 Acres
Joint Base San Antonio
Ft. Sam Houston TX
Landholding Agency: Air Force
Property Number: 18201310031
Status: Unutilized
Comments: w/in secured area; public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

Building 330
291 Flightline
Good fellow AFB TX 76908
Landholding Agency: Air Force
Property Number: 18201310056
Status: Excess
Comments: secured area; public access denied & no alternative method w/out compromising Nat'l security
Reasons: Secured Area

Shop A/M Org. B00054
251 Fourth Ave.
Del Rio TX 78843
Landholding Agency: Air Force
Property Number: 18201310058
Status: Unutilized
Comments: located on military installation; public access denied & no alternative method w/out compromising Nat'l security
Reasons: Secured Area

13 Buildings
Sheppard AFB
Sheppard AFB TX 76311
Landholding Agency: Air Force
Property Number: 18201310059
Status: Underutilized
Directions: 527, 528, 596, 690, 691, 692, 693, 776, 790, 791, 792, 793, 794
Comments: secured area; public access denied & no alternative method w/out compromising Nat'l security
Reasons: Secured Area

Building 530
519 I Ave.
Sheppard AFB TX 76311
Landholding Agency: Air Force
Property Number: 18201320044
Status: Underutilized
Comments: Public access denied & no alter. w/out compromising Nat'l sec.
Reasons: Secured Area

Building 1155
Lackland AFB
San Antonio TX 78101
Landholding Agency: Air Force
Property Number: 18201330037
Status: Underutilized
Comments: Public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

Virginia

Bldg. 1994
Eagle Ave
Hampton VA 23665
Landholding Agency: Air Force
Property Number: 18201220024
Status: Underutilized
Comments: Nat'l security concerns; public access denied & no alternative method to gain access w/out comprising Nat'l security
Reasons: Secured Area

9 Buildings
Langley AFB
Langley AFB VA 23665
Landholding Agency: Air Force
Property Number: 18201220027
Status: Underutilized
Directions: 1092, 1093, 1094, 1095, 1096, 1097, 1098, 750, 51
Comments: Nat'l security concerns; public access denied & no alternative method to gain access w/out comprising Nat'l security
Reasons: Secured Area

Building 37
48 Dogwood Avenue
Hampton VA 23665
Landholding Agency: Air Force
Property Number: 18201330024
Status: Underutilized
Comments: Active military installation; public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

Building 297
Sweeney Blvd.
Hampton VA 23665
Landholding Agency: Air Force
Property Number: 18201330027
Status: Excess
Comments: Public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

Washington

4 Buildings
South Taxiway Rd.
Fairchild AFB WA 99011
Landholding Agency: Air Force
Property Number: 18201230010
Status: Underutilized
Directions: 1024,1023,1026,1021
Comments: Located within the boundary of an active AF installation where public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

Hanger 1025
200 S. Taxiway I Rd.

Fairchild AFB WA 99011
Landholding Agency: Air Force
Property Number: 18201230024
Status: Underutilized
Comments: Located w/in controlled active installation; public access denied & no alternative method w/out compromising Nat'l security
Reasons: Secured Area

14 Buildings
Fairchild AFB
Fairchild WA 99011
Landholding Agency: Air Force
Property Number: 18201330014
Status: Unutilized
Directions: 1422, 1421, 1408, 1425, 1424, 1423, 1426, 1427, 1434, 1438, 1439, 1440, 1441, 1442
Comments: Active munitions area; public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

4 Buildings
Fairchild AFB
Fairchild WA 99011
Landholding Agency: Air Force
Property Number: 18201330016
Status: Unutilized
Directions: 1444, 1449, 1450, K153
Comments: Active munitions area; public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

6 Building
Fairchild AFB
Fairchild WA 99011
Landholding Agency: Air Force
Property Number: 18201330022
Status: Unutilized
Directions: 1478, 1479, 1480, 1482, 1483, 1484
Comments: Active munitions area; public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

Wyoming

Bldg. 945
7505 Booker Rd.
Cheyenne WY
Landholding Agency: Air Force
Property Number: 18201230062
Status: Unutilized
Comments: Located in a secured area; public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

3 Buildings
FE Warren AF
Cheyenne WY 82005
Landholding Agency: Air Force
Property Number: 18201240020
Status: Unutilized
Directions: 1166, 2277, 835
Comments: Restricted area; public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

Land

California

40′ X 60′ Parcel of Land
Naval Support Activity
Monterey CA 93940
Landholding Agency: Navy
Property Number: 77201330034
Status: Underutilized
Comments: Secured area; public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

Florida

8 Buildings
null
Tyndall AFB FL 32403
Landholding Agency: Air Force
Property Number: 18201310011
Status: Underutilized
Directions: 205, 207, 214, 748, 1277, 1279, 1280, 1476
Comments: Restricted military installation; public access denied & no alternative method to gain access w/out compromising Nat'l security
Reasons: Secured Area

New Jersey

7.0 Acres land for training
Rounds & Lansdowne Roads
JBMDL NJ 08733
Landholding Agency: Air Force
Property Number: 18201320023
Status: Excess
Comments: Public access denied & no alter. w/out compromising Nat'l sec.
Reasons: Secured Area

[FR Doc. 2013–23925 Filed 10–3–13; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–EA–2013–N219; FF09X60000–FVWF97920900000–XXX]

Sport Fishing and Boating Partnership Council

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce a public meeting of the Sport Fishing and Boating Partnership Council (Council). A Federal advisory committee, the Council was created in part to foster partnerships to enhance public awareness of the importance of aquatic resources and the social and economic benefits of recreational fishing and boating in the United States. This meeting is open to the public, and interested persons may make oral statements to the Council or may file written statements for consideration.

DATES: The meeting will take place Monday, October 28, 2013, from 8:30 a.m. to 4:30 p.m., and Tuesday, October 29, 2013, from 8:30 a.m. to 12:30 p.m. (Central Daylight Time). For deadlines and directions on registering to attend the meeting, submitting written material, and/or giving an oral presentation, please see ''Public Input'' under **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The meeting will be held at the Omni Royal Orleans Hotel; 621 St. Louis Street, New Orleans, LA 70140.

FOR FURTHER INFORMATION CONTACT: Douglas Hobbs, Council Coordinator, 4401 North Fairfax Drive, Mailstop 3103–AEA, Arlington, VA 22203; telephone (703) 358–2336; fax (703) 358–2548; or email *doug_hobbs@fws.gov.*

SUPPLEMENTARY INFORMATION: In accordance with the requirements of the Federal Advisory Committee Act, 5 U.S.C. App., we announce that the Sport Fishing and Boating Partnership Council will hold a meeting.

Background

The Council was formed in January 1993 to advise the Secretary of the Interior, through the Director of the Service, on aquatic conservation endeavors that benefit recreational fishery resources and recreational boating and that encourage partnerships among industry, the public, and government. The Council represents the interests of the public and private sectors of the recreational fishing, boating, and conservation communities and is organized to enhance partnerships among industry, constituency groups, and government. The 18-member Council, appointed by the Secretary of the Interior, includes the Service Director and the president of the Association of Fish and Wildlife Agencies, who both serve in ex officio capacities. Other Council members are directors from State agencies responsible for managing recreational fish and wildlife resources and individuals who represent the interests of saltwater and freshwater recreational fishing, recreational boating, the recreational fishing and boating industries, recreational fisheries resource conservation, Native American tribes, aquatic resource outreach and education, and tourism. Background information on the Council is available at *http://www.fws.gov/sfbpc.*

Meeting Agenda

The Council will hold a meeting to consider:

- Issues related to the Louisiana and the Gulf coast, including fishery management, boating, and tourism;
- Issues regarding the Boating Infrastructure Grant Program and Clean Vessel Act Grant Program;

• Updates on the Rigs to Reefs Program and the Interior Department implementation of its ''Idle Iron'' policy for decommissioning and removing unused oil and gas production infrastructure;

• An update on the activities of the Federal Interagency Council on Outdoor Recreation (FICOR) in implementing the America's Great Outdoors Initiative;

• An update from the Recreational Boating and Fishing Foundation on progress in implementing Council recommendations to improve the activities and operations of the Foundation;

• An update of the Wildlife and Sport Fish Restoration Program;

• An update on the implementation of the National Wildlife Refuge System Vision, in particular recommendation 17: Hunting, Fishing and Outdoor Recreation;

• Other miscellaneous Council business.

The final agenda will be posted on the Internet at *http://www.fws.gov/sfbpc.*

Public Input

If you wish to	Then you must contact the Council Coordinator (see **FOR FURTHER INFORMATION CONTACT**) no later than
Attend the meeting	Friday, October 18, 2013.
Submit written information or questions before the meeting for the council to consider during the meeting	Friday, October 18, 2013.
Give an oral presentation during the meeting	Friday, October 18, 2013.

Attendance

In order to attend this meeting, you must register by close of business on the dates listed above in ''Public Input'' under **SUPPLEMENTARY INFORMATION.** Please submit your name, time of arrival, email address, and phone number to the Council Coordinator (see **FOR FURTHER INFORMATION CONTACT**).

Submitting Written Information or Questions

Interested members of the public may submit relevant information or questions for the Council to consider during the meeting. Written statements must be received by the date listed above in ''Public Input,'' so that the information may be made available to the Council for their consideration prior to the meeting. Written statements must be supplied to the Council Coordinator in one of the following formats: One hard copy with original signature, and one electronic copy via email (acceptable file formats are Adobe Acrobat PDF, MS Word, MS PowerPoint, or rich text file).

Giving an Oral Presentation

Individuals or groups requesting to make an oral presentation during the meeting will be limited to 2 minutes per speaker, with no more than a total of 30 minutes for all speakers. Interested parties should contact the Council Coordinator, in writing (preferably via email; see **FOR FURTHER INFORMATION CONTACT**), to be placed on the public speaker list for this meeting. To ensure an opportunity to speak during the public comment period of the meeting, members of the public must register with the Council Coordinator. Registered speakers who wish to expand upon their oral statements, or those who had wished to speak but could not be accommodated on the agenda, may submit written statements to the Council Coordinator up to 30 days subsequent to the meeting.

Meeting Minutes

Summary minutes of the meeting will be maintained by the Council Coordinator (see **FOR FURTHER INFORMATION CONTACT**) and will be available for public inspection within 120 days of the meeting and will be posted on the Council's Web site at *http://www.fws.gov/sfbpc.*

Stephen Guertin,

Deputy Director.

[FR Doc. 2013–24314 Filed 10–3–13; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Safe Drinking Water Act

On September 26, 2013, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the District of Montana, Great Falls Division, in the lawsuit entitled *United States* v. *Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Community, and Prairie Mountain Utility,* Civil Action No. CV–13–82–GF–DLC–RKS (SLR).

In this action the United States filed a complaint and consent decree concurrently seeking injunctive relief and civil penalties pursuant to 42 U.S.C. 300g–3,300i of the Safe Drinking Water Act (''SDWA'') for violations at five public water systems owned and/or operated by the Fort Belknap Indian Community and the Prairie Mountain Utility (''PMU'') and within the exterior boundaries of the Fort Belknap Indian Reservation (''Reservation'') in Blaine and Phillips Counties, Montana. The proposed Decree requires Defendants to undertake a restructuring of the responsibilities of the PMU and tribal government, and implement a series of changes in operation of the PMU to ensure proper operation of the drinking water systems on the Reservation. The Defendants are also required pay to the United States civil penalties of $1,500.00 within thirty (30) days of the entry of the Decree.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Community, and Prairie Mountain Utility,* D.J. Ref. No. 90–5–1–1–09823. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree

Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $10.75 (25 cents per page reproduction cost) payable to the United States Treasury.

Robert Brook,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2013–24270 Filed 10–3–13; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OMB Number 1121–0330]

Agency Information Collection Activities; Proposed Collection; Comments Requested; Extension of Currently Approved Collection: Bureau of Justice Assistance Application Form; Law Enforcement Congressional Badge of Bravery

ACTION: 30-Day Notice.

The Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, will be submitting the following information collection request for review to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. This proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register**, Volume 78, Number 146, pages 45971–45972, on July 30, 2013, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until November 4, 2013. This process is conducted in accordance with 5 CFR 1320.10 If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Chris Casto at 202–353–7193, Bureau of Justice Assistance, Office of Justice Programs, U. S. Department of Justice, 810 7th Street NW., Washington, DC 20531 or by email at *Chris.Casto@usdoj.gov*.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) Type of information collection: Extension of currently approved collection.

(2) The title of the form/collection: *Law Enforcement Congressional Badge of Bravery (CBOB).*

(3) The agency form number, if any, and the applicable component of the Department sponsoring the collection: None. Bureau of Justice Assistance, Office of Justice Programs, United States Department of Justice.

(4) Affected public who will be asked or required to respond, as well as a brief abstract:

Primary: BJA's CBOB Office will use the CBOB application information to confirm the eligibility of applicants to be considered for the CBOB, and forward the application as appropriate to the Federal or the State and Local CBOB Board for their further consideration. In General—A Federal/State and Local agency head many nominate for a Federal/State and Local Law Enforcement Badge and individual—(1) who is a Federal/State and Local law enforcement officer working within the agency of the Federal/State and Local agency head making the nomination; and (2) who—(A)(i) sustained a physical injury while—(I) engaged in the lawful duties of the individual; and (II) performing an act characterized as bravery by the Federal/State and Local agency head making the nomination; and (ii) put the individual at personal risk when the injury described in clause (i) occurred; or (B) while not injured, performed and act characterized as bravery by the Federal/State and Local agency head making the nomination that placed the individual at risk of serious physical injury or death. The U.S. Department of Justice's Office of Justice Programs' Bureau of Justice Assistance has been authorized to administer the Law Enforcement Congressional Badge of Bravery (CBOB) Program.

Others: None.

(5) An estimate of the total number of respondents and the amount of time needed for an average respondent to respond is as follows: Over the first three years of this program, and average of 184 applications were submitted annually. Each application takes approximately 20 minutes to complete.

(6) An estimate of the total public burden (in hours) associated with the collection is 61 hours. Total Annual Reporting Burden: 184 × 20 minutes per application = 3680 minutes/by 60 minutes per hour = 61 hours.

If additional information is required, please contact Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Washington, DC 20530.

Dated: September 30, 2013.

Jerri Murray,

Department Clearance Officer for PRA, United States Department of Justice.

[FR Doc. 2013–24300 Filed 10–3–13; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c) (2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. The Bureau of Labor Statistics (BLS) is soliciting comments concerning the proposed revision of the ''Current Population Survey (CPS).'' A copy of the proposed information collection request (ICR) can be obtained

by contacting the individual listed below in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office listed in the Addresses section below on or before December 3, 2013.

ADDRESSES: Send comments to Carol Rowan, BLS Clearance Officer, Division of Management Systems, Bureau of Labor Statistics, Room 4080, 2 Massachusetts Avenue NE., Washington, DC 20212. Written comments also may be transmitted by fax to 202–691–5111 (this is not a toll-free number).

FOR FURTHER INFORMATION CONTACT: Carol Rowan, BLS Clearance Officer, 202–691–7628 (this is not a toll free number). (See Addresses section.)

SUPPLEMENTARY INFORMATION:

I. Background

The CPS has been the principal source of the official Government statistics on employment and unemployment for over 70 years. The labor force information gathered through the survey is of paramount importance in keeping track of the economic health of the Nation. The survey is the only source of monthly data on total employment and unemployment. The Employment Situation news release contains data from this survey and is designated as a Principal Federal Economic Indicator (PFEI). Moreover, the survey also yields data on the characteristics of persons not in the labor force. The CPS data are used monthly, in conjunction with data from other sources, to analyze the extent to which, and with what success, the various components of the American population are participating in the economic life of the Nation.

The labor force data gathered through the CPS are provided to users in the greatest detail possible, in conjunction with the demographic information obtained in the survey. In brief, the labor force data can be broken down by sex, age, race, ethnicity, marital status, family composition, educational level, disability status, and other characteristics. Through such breakdowns, one can focus on the employment situation of specific population groups as well as on general trends in employment and unemployment. Information of this type can be obtained only through demographically oriented surveys such as the CPS.

The basic CPS data also are used as an important platform on which to base the data derived from the various supplemental questions that are administered in conjunction with the survey. By coupling the basic data from the monthly survey with the special data from the supplements, one can get valuable insights on the behavior of American workers and on the social and economic health of their families.

There is wide interest in the monthly CPS data among Government policymakers, legislators, economists, the media, and the general public. While the data from the CPS are used in conjunction with data from other surveys in assessing the economic health of the Nation, they are unique in various ways. Specifically, they are the basis for much of the monthly Employment Situation report, a PFEI. They provide a monthly, nationally representative measure of total employment, including farm work, self-employment, and unpaid family work; other surveys are generally restricted to the nonagricultural wage and salary sector, or provide less timely information. The CPS provides data on all job seekers, and on all persons outside the labor force, while payroll-based surveys cannot, by definition, cover these sectors of the population. Finally, the CPS data on employment, unemployment, and on persons not in the labor force can be linked to the demographic characteristics of the many groups that make up the Nation's population, while the data from most other surveys are devoid of demographic information. Many groups, both in the government and in the private sector, are eager to analyze this wealth of demographic and labor force data.

II. Current Action

Office of Management and Budget clearance is being sought for the Current Population Survey (CPS). A revision of a currently approved collection is needed to provide the Nation with timely information about the labor force status of the population. The CPS sample has been redesigned based on information from the 2010 decennial census, in accordance with usual practice. Historically, the CPS sample has been redesigned after each decennial census.

III. Desired Focus of Comments

The Bureau of Labor Statistics is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

Type of Review: Revision of a currently approved collection.

Agency: Bureau of Labor Statistics.

Title: Current Population Survey (CPS).

OMB Number: 1220–0100.

Affected Public: Households.

Total Respondents: 55,000 per month.

Frequency: Monthly.

Total Responses: 660,000.

Average Time per Response: 7.5 minutes.

Estimated Total Burden Hours: 82,500 hours.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they also will become a matter of public record.

Signed at Washington, DC, this 30th day of September, 2013.

Eric Molina,

Acting Chief, Division of Management Systems, Bureau of Labor Statistics.

[FR Doc. 2013–24311 Filed 10–3–13; 8:45 am]

BILLING CODE 4510–24–P

NATIONAL LABOR RELATIONS BOARD

Notice of Procedures To Be Followed in the Event Board Offices Are Closed Due to a Lapse in Appropriated Funds

AGENCY: National Labor Relations Board.

ACTION: The National Labor Relations Board is issuing this notice to advise the public of procedures to be followed in the event that Board offices are closed, in compliance with the Anti-Deficiency Act, 31 U.S.C. 1341, *et seq.,* due to a lapse in appropriated funds.

1. Timeliness and Filing of Charges, Petitions and Other Papers During a Shutdown

In the event the Board's offices are closed due to a lapse in appropriated funds, documents may not be filed electronically at *www.nlrb.gov.* The Board hereby grants, sua sponte, an extension of time to file or serve any document for which the grant of an extension is permitted by law. The terms of the extension are that for each day on which the Agency's offices are closed for all or any portion of the day, one day shall be added to the time for filing or service of the document.

Extensions of time for filing cannot apply to the 6-month period provided by Section 10(b) of the Act for the filing of charges, 29 U.S.C. 160(b), or to Applications for awards of fees and other expenses under the Equal Access to Justice Act, 5 U.S.C. 504. However, with respect to time computations for filing and serving charges filed pursuant to Section 10(b) or applications filed pursuant to the Equal Access to Justice Act, the Board hereby gives notice of its intention to construe the phrase ''Saturday, Sunday, or a legal holiday'' in its rules pertaining to filing and service, Section 102.111(a), 29 CFR 102.111(a), to encompass any day on which the Agency's offices are closed for all or any portion of the day due to lack of appropriated funds.

Notwithstanding the foregoing, persons wishing to file a charge pursuant to Section 10(b) of the Act, and for whom the 6-month period of Section 10(b) may expire during the interruption in the Board's normal operations, are cautioned that the operation of Section 10(b) during an interruption in the Board's normal operations is uncertain. Consequently, it would be prudent to file the charge during the interruption in the Board's operations by faxing a copy of the charge to the appropriate Regional Office. The fax numbers for Regional Offices may be found on the Agency's Web site, *www.nlrb.gov.*

Moreover, persons filing a charge are reminded that it is their responsibility, pursuant to Section 102.14 of the Board's Rules and Regulations, 29 CFR 102.14, to serve a copy of the charge upon the person against whom the charge is made. While Regional Directors ordinarily serve a copy of the charge on a person against whom the charge is made as a matter of courtesy, they do not assume responsibility for such service, and it is unlikely that the Agency will be able to serve charges during any period of shutdown due to a lapse in appropriated funds.

2. Postponement of Unfair Labor Practice Hearings Before Administrative Law Judges

In the event the Board's offices are closed due to a lapse in appropriated funds, the parties to hearings before an Administrative Law Judge scheduled for the first week of the closure will be notified that the hearing has been postponed.

In every case with a hearing scheduled to begin during the week of October 7, 2013, if by the close of business on Friday, October 4, 2013, there has been no appropriations bill enacted into law or legislation authorizing the Board to operate during the week of October 7, 2013, the hearing will be postponed indefinitely.

In every case with a hearing scheduled to begin on or after October 14, 2013, if by the close of business on the Monday preceding the Monday of the week in which the hearing is scheduled there has been no appropriations bill enacted into law or legislation authorizing the Board to operate during the week in which the hearing is scheduled, then the hearing will be postponed indefinitely. For example, if there has been no appropriations bill enacted by the close of business Monday, October 7, 2013, all hearings scheduled for the week of October 14, 2013 will be postponed indefinitely.

3. Postponement of Representation Elections and Hearings

All elections and pre and post election hearings scheduled to be conducted any day from October 1, through October 11, 2013 have been postponed indefinitely.

In the event the Board's offices are closed due to a lapse in appropriated funds, in every case with an election or pre or post election hearing scheduled to be conducted on or after October 14, 2013, if by the close of business on the Tuesday preceding the Monday of the week in which the election or pre or post election hearing is scheduled there has been no appropriations bill enacted into law or legislation authorizing the Board to operate during the week in which the election or pre or post election hearing is scheduled to be conducted, then the election or pre or post election hearing will be postponed indefinitely. For example, if there has been no appropriations bill enacted by the close of business Tuesday, October 8, 2013, all elections and pre and post election hearings scheduled to be conducted during the week of October 14, 2013 will be postponed indefinitely.

In each case until the election is postponed per the schedule noted above, it is the Employer's obligation to post the Notice of Election for 3 full working days prior to the day of the election and failure to do so shall be grounds for setting aside the election.

4. Notice To Be Posted in the Event of a Shutdown Due to a Lapse in Appropriated Funds

In the event the Board's offices are closed due to a lapse in appropriated funds, the Board will post this notice on its Web site, *www.nlrb.gov.* A related notice will be posted at each of its offices to advise the public of procedures to be followed during the period of the shutdown. In addition, the recorded message set forth below will be available on the main phone numbers in each of the Agency's offices to provide persons with information regarding how to contact the Agency during the shutdown: ''You have reached [OFFICE NAME] at the National Labor Relations Board. The Agency is currently closed due to a lapse in appropriated funds. You may leave a message after the tone, but this voicemail will not be monitored during the shutdown, and your call will not be returned until after the Agency resumes normal operations. Please consult the Agency Web site at *www.nlrb.gov* for information on the effect of the shutdown on filing deadlines, scheduled hearings, representation elections, and the timeliness of charges and petitions. If you are calling about an imminent threat to human life or property as a result of a violation of the National Labor Relations Act, you should call (202) 273–1000, send a fax to (202) 273–4483, or send an email to *EmergencyContact@NLRB.gov.* Thank you.''

FOR FURTHER INFORMATION CONTACT: Gary Shinners, Executive Secretary, National Labor Relations Board, 1099 14th Street NW., Washington, DC 20570, (202) 273–3737 (this is not a toll-free number), 1–866–315–6572 (TTY/TDD).

By direction of the Board.

Dated: Washington, DC, October 1, 2013.

William B. Cowen,

Solicitor.

[FR Doc. 2013–24362 Filed 10–3–13; 8:45 am]

BILLING CODE 7545–01–P

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Computer and Information Science and Engineering; Notice of Meeting

In accordance with Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science

Foundation announces the following meeting:

Name: Advisory Committee for Computer and Information Science and Engineering (1115).

Date/Time: Oct 31, 2013: 12:30 p.m. to 6:00pm.; Nov 1, 2013: 8:30 a.m. to 2:00 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Suite 1235, Arlington, Virginia 22203.

Type of Meeting: Open.

Contact Person: Carmen Whitson, National Science Foundation, 4201 Wilson Boulevard, Suite 1105, Arlington, Virginia 22203 703/292–8900.

Purpose Of Meeting: To advise NSF on the impact of its policies, programs and activities on the CISE community. To provide advice to the Assistant Director for CISE on issues related to long-range planning, and to form ad hoc subcommittees and working groups to carry out needed studies and tasks.

Agenda:

- Overview of CISE FY 2014 budget priorities and programmatic updates
- Working group breakout sessions
- Update from CISE Vision 2025 working group
- Update from Mid-Scale Infrastructure subcommittee
- Welcome from Dr. Cora Marrett, NSF Acting Director
- Closing remarks and wrap up

Dated: September 30, 2013.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 2013–24277 Filed 10–3–13; 8:45 am]

BILLING CODE 7555–01–P

DEPARTMENT OF STATE

[Public Notice 8494]

Culturally Significant Objects Imported for Exhibition Determinations: ''focus: Monika Baer'' and ''Monika Baer''

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257 of April 15, 2003), I hereby determine that the objects to be included in the exhibition ''focus: Monika Baer'' at The Art Institute of Chicago and in the exhibition ''Monika Baer'' at the Williams College Museum of Art,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at The Art Institute of Chicago, Chicago, IL, from on or about October 24, 2013, until on or about January 26, 2014; the Williams College Museum of Art, Williamstown, MA, from on or about February 22, 2014, until on or about May 18, 2014, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Julie Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6467). The mailing address is U.S. Department of State, SA–5, L/PD, Fifth Floor (Suite 5H03), Washington, DC 20522–0505.

Dated: September 30, 2013.

Evan M. Ryan,

Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2013–24364 Filed 10–3–13; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35247 (Sub-No. 1)]

Grenada Railway, LLC—Rail Line in Grenada, Montgomery, Carroll, Holmes, Yazoo and Madison Counties, Miss.

AGENCY: Surface Transportation Board, DOT.

ACTION: Notice of public meeting.

SUMMARY: Staff members of the Surface Transportation Board will hold a public meeting concerning the rail line embargo at issue in the above-titled docket. The purpose of the meeting is to allow interested persons to comment on the effects of the embargo.

DATES: *Date/Location:* The public meeting will take place on Friday, November 15, 2013, beginning at 9:00 a.m., at the Montgomery County Courthouse, 614 Summit St., Winona, Miss.

FOR FURTHER INFORMATION CONTACT: Jamie Rennert, (202) 245–0283. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.]

SUPPLEMENTARY INFORMATION: In a decision served on September 10, 2013, the Board denied a petition in Docket No. FD 35247 to revoke Grenada Railway, LLC's (GRYR) exemption to acquire and operate a rail line approximately 175.4 miles long between milepost 403.0, at Southaven, Miss., and milepost 703.8, near Canton, Miss. (the Line). In that same decision, the Board also established this subdocket to assess the lawfulness of an embargo GRYR imposed on a portion of the Line in 2011.[1] In doing so, the Board directed GRYR to file responses to certain information requests concerning GRYR's embargo and indicated that it would hold a public meeting, conducted by Board staff, in Mississippi to allow interested persons to appear and speak on the effects of the embargo.[2]

During the public meeting, Board staff will hear comments regarding GRYR's embargo. The meeting will continue until all interested persons or parties have had an opportunity to speak. Persons wishing to speak should place their names on the list of speakers upon arrival at the Montgomery County Courthouse. A court reporter will transcribe the meeting and prepare a transcript that will be included in the public record of the proceeding.

All decisions, notices, and filings in this proceeding are available on the Board's Web site at ''*www.stb.dot.gov.*'' A transcript of the meeting will also be posted on the Board's Web site.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Dated: September 30, 2013.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2013–24313 Filed 10–3–13; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Cemeteries and Memorials, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under Federal

[1] The Association of American Railroads (AAR) embargo number for this embargo is GRYR000111. The Board has taken official notice of the fact that the embargo expired as of July 26, 2013.

[2] *See Grenada Ry.—Rail Line in Grenada, Montgomery, Carroll, Holmes, Yazoo, & Madison Cntys., Miss.,* FD 35247 (Sub-No. 1), slip op. at 4–6 (STB served Sept. 10, 2013).

Advisory Committee Act, 5 U.S.C. App. 2, that a meeting of the Advisory Committee on Cemeteries and Memorials will be held on October 15–16, 2013, in Board of Veterans Appeals Conference Room 4E.400 at the Department of Veterans Affairs, 425 I Street NW., Washington, DC, from 8:30 a.m. to 4 p.m. The meeting is open to the public.

The purpose of the Committee is to advise the Secretary of Veterans Affairs on the administration of national cemeteries, soldiers' lots and plots, the selection of new national cemetery sites, the erection of appropriate memorials, and the adequacy of Federal burial benefits.

On October 15, the Committee will receive updates on National Cemetery Administration issues. On the morning of October 16, the Committee will tour the U.S. Soldiers and Airmen's Home, 3700 North Capitol Street NW., Washington, DC. In the afternoon, the Committee will reconvene at the Board of Veterans Appeals Conference Room to discuss Committee recommendations, future meeting sites, and potential agenda topics.

Time will be allocated for receiving public comments at 1 p.m. on both days. Public comments will be limited to three minutes each. Individuals wishing to make oral statements before the Committee will be accommodated on a first-come, first-served basis. Individuals who speak are invited to submit 1–2 page summaries of their comments at the time of the meeting for inclusion in the official meeting record.

Members of the public may direct questions or submit written statements for review by the Committee in advance of the meeting to Mr. Michael Nacincik, Designated Federal Officer, Department of Veterans Affairs, National Cemetery Administration (43A2), 1100 1st Street NE., Washington, DC 20002, or by email at *Michael.n@va.gov*. In the public's communications with the Committee, the writers must identify themselves and state the organizations, associations, or persons they represent. Because the meeting is being held in a government building, a photo I.D. must be presented at the Guard's Desk as a part of the clearance process. Therefore, you should allow an additional 15 minutes before the meeting begins. Any member of the public wishing to attend the meeting should contact Mr. Nacincik at (202) 632–7223.

Dated: September 29, 2013.

By Direction of the Secretary.

Vivian Drake,

Committee Management Officer.

[FR Doc. 2013–24312 Filed 10–3–13; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

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Part II

Department of Commerce

Bureau of Industry and Security

15 CFR Parts 734, 738, 740, et al.

Revisions to the Export Administration Regulations (EAR) To Make the Commerce Control List (CCL) Clearer; Final Rule

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Parts 734, 738, 740, 742, 748, 750, 772, and 774

[Docket No. 110818512–3478–02]

RIN 0694–AF37

Revisions to the Export Administration Regulations (EAR) To Make the Commerce Control List (CCL) Clearer

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: This final rule implements changes that were proposed on November 29, 2012 in a proposed rule entitled *Revisions to the Export Administration Regulations (EAR) To Make the Commerce Control List (CCL) Clearer.* The changes in the November 29 proposed rule were informed by public comments received in response to an advance notice of proposed rulemaking entitled *Commerce Control List: Revising Descriptions of Items and Foreign Availability* published as part of the President's Export Control Reform (ECR) Initiative on December 9, 2010. This final rule implements changes that can be made to the CCL without requiring changes to multilateral export control regime guidelines or lists.

This final rule also makes conforming changes and minor clarifications as a result of the publication of two final rules implementing the Export Control Reform Initiative: the April 16, 2013 final rule entitled *Revisions to the Export Administration Regulations: Initial Implementation of Export Control Reform;* and the July 8, 2013 final rule entitled *Revisions to the Export Administration Regulations: Military Vehicles; Vessels of War; Submersible Vessels, Oceanographic Equipment; Related Items; and Auxiliary and Miscellaneous Items that the President Determines No Longer Warrant Control under the United States Munitions List.*

Lastly, this final rule is making revisions to the EAR as a result of public comments received in response to the November 29 proposed rule and to a notice of inquiry (NOI) entitled *Request for Public Comments on Shipping Tolerances for Export Licenses Issued by the Bureau of Industry and Security (BIS),* that BIS published on July 5, 2012.

DATES: *Effective Date:* This rule is effective on October 15, 2013, except that amendatory instructions 25, 28, 31 and 35.c to Supplement No. 1 to part 774 are effective January 6, 2014.

FOR FURTHER INFORMATION CONTACT: Timothy Mooney or Robert Monjay, Regulatory Policy Division, Bureau of Industry and Security, Department of Commerce, Phone: (202) 482–2440, Fax: (202) 482–3355, Email: *rpd2@bis.doc.gov.*

SUPPLEMENTARY INFORMATION:

Background

This final rule implements changes proposed on November 29, 2012 in a proposed rule entitled *Revisions to the Export Administration Regulations (EAR) To Make the Commerce Control List (CCL) Clearer.* The changes in the November 29 proposed rule were also informed by public comments received in response to an advance notice of proposed rulemaking entitled *Commerce Control List: Revising Descriptions of Items and Foreign Availability* as part of the President's Export Control Reform (ECR) Initiative that was published by BIS on December 9, 2010 (75 FR 76664). The December 9 notice sought, among other things, public comments on how descriptions of items controlled on the Commerce Control List (CCL) could be made clearer.

Although the revisions proposed in the November 29 proposed rule originated with the ECR initiative, the November 29 proposed rule and this final rule are consistent with Executive Order 13563. Executive Order 13563 requires agencies to review their ''existing significant regulations, and consider how best to promote retrospective analysis of rules that may be outmoded, ineffective, insufficient, or excessively burdensome, and to modify, streamline, expand, or repeal them in accordance with what has been learned.'' In response to this requirement, on August 23, 2011, Commerce released a plan for the review of its regulations. This proposed rule was identified by the Department as part of its plan for the retrospective analysis of regulations and is being implemented today in final form with the publication of this final rule. The Department's plan may be found at: *http://open.commerce.gov/news/2011/08/23/commerce-plan-retrospective-analysis-existing-rules.*

This rule implements changes that can be made to the CCL without requiring a multilateral regime change. For certain changes BIS identified that would make the CCL clearer, but would require a multilateral export control regime change to implement, the U.S. Government is developing regime change proposals for consideration by the relevant multilateral export control regimes. BIS will implement those changes, if approved by the multilateral export control regimes, in separate rulemakings.

To better facilitate intelligibility of the provisions implemented by BIS, this final rule identifies new phrases or headings within double quotations. The EAR identifies terms defined in part 772 with double quotations as well. Not all the terms in double quotations in this final rule are defined in part 772. The additional double quotations around new phrases, headings, or commonly used words, are used in the Background section of this final rule to assist in the readability of the text.

The descriptions of the changes implemented in this final rule are organized under the four subject headings used in the November 29 proposed rule and two additional subject headings. The descriptions include summaries of the public comments received and BIS's responses to those comments. The fifth subject heading describes changes that are being implemented as a result of comments received in response to a notice of inquiry (NOI) that BIS published on July 5, 2012 (77 FR 39679), entitled *Request for Public Comments on Shipping Tolerances for Export Licenses Issued by the Bureau of Industry and Security (BIS).* The sixth subject heading describes clarifications to the final rule published on April 16, 2013 (78 FR 22660) entitled *Revisions to the Export Administration Regulations: Initial Implementation of Export Control Reform* (the April 16 (initial implementation) rule). The public comments BIS received in response to the notice of inquiry prompted BIS to include these changes in this final rule because they are not only responsive to the public comments, but they will also make the CCL clearer and easier to use.

The six headings are:

(1) Clarifications to existing CCL controls, including the use of the terms ''parts'' and ''components'' on the CCL;

(2) Changes to conform the CCL to the multilateral export control regime control lists and previous amendments to the EAR;

(3) Structural changes to improve the clarity of the CCL;

(4) Removal of fourteen Export Control Classification Numbers (ECCNs) subject to the exclusive jurisdiction of the Nuclear Regulatory Commission (NRC);

(5) Revisions to Shipping Tolerances and removal of all ''Unit'' paragraphs; and

(6) Clarifications to the April 16 (initial implementation) rule.

The public comment period for the November 29 proposed rule closed on January 28, 2013. BIS received 10 public comments in response. When referring to specific comments, BIS identifies those as Commenters No. 1 through No. 10. The comments, including the table for the Record of Public Comments, can be found on the BIS Web site at *http://efoia.bis.doc.gov/index.php/electronic-foia/index-of-documents.*

Most commenters thought the cumulative impact of the November 29 proposed rule would be beneficial for exporters and would improve the clarity of the CCL. BIS did not accept some of the comments and addressed others in ways different than the recommendation. Commenter No. 7, for example, commended and fully supported the effort by BIS to modify the CCL in order to make all sections consistent and the CCL easier to read and interpret. Commenter No. 7 agreed with BIS that the cumulative impact of the proposed changes should improve clarity, and hence understanding, of the CCL. Commenter No. 7 expressed support for the rule, and noted that the increased ease of use of the CCL would especially benefit exporters of items that may transfer to the CCL as a result of Export Control Reform. Commenter No. 9 noted that the CCL contains a number of ambiguities and inconsistencies that require attention. Commenter No. 9 endorsed the recommendations specified in the November 29 proposed rule, asserting that the modifications, if implemented, will improve the overall clarity of the CCL. Commenter No. 3, however, was critical of BIS's proposal to remove fourteen NRC ECCNs. Commenter No. 8 objected to the proposed ''parts'' and ''components'' changes and questioned whether the changes in the November 29 rule were too extensive for industry to be able to review in a single proposed rule.

Some comments identified specific changes that needed to be made to achieve the objectives of certain proposed changes. Others identified formatting errors or typos in the November 29 rule. Some commenters also suggested additional changes that were not specifically proposed in the November 29 rule, either by specifically identifying additional changes or highlighting where additional review should be conducted under the CCL clean-up effort. BIS has incorporated some of these changes, for example the formatting errors and typos, although other changes may need to be addressed in subsequent reviews of the CCL. An effective control list is not static; therefore, although this final rule implements a large number of changes to improve the CCL, no single rule, including this final rule, can eliminate the need for review of the CCL to ensure that it is clear and the scope reflects the current national security and foreign policy interests of the United States.

Some comments addressed issues outside the scope of the November 29 proposed rule. BIS did not address these comments in this final rule, but it provides a brief overview of the issues raised by the commenters for transparency. Commenter No. 5 submitted comments that were submitted previously on July 23, 2012 in response to a BIS proposed rule dealing with personal protective equipment and the proposed ''600 series'' ECCN 1A613. This comment is not addressed in this final rule because it is outside the scope of the November 29 rule, but this comment is being evaluated along with other comments received in response to the June 7, 2012 proposed rule as BIS prepares the final rule for publication. Another comment received that was outside the scope of the November 29 proposed rule dealt with the proposed definition of ''components'' that was set forth in the proposed rule published on July 15, 2011 (76 FR 41958). BIS completed its review, responded to comments received on the definition of ''components,'' and published a definition of ''components'' in the April 16 (initial implementation) rule. Lastly, one commenter made a number of suggestions regarding the meaning and use of the term ''specially designed'' and regarding other design related terms on the CCL. These comments are outside the scope of the November 29 proposed rule. BIS proposed a definition of ''specially designed'' in a proposed rule published on June 19, 2012, and also an advance notice of proposed rulemaking published on the same day that requested comments on the feasibility of enumerating ''specially designed'' components on the CCL. BIS reviewed and responded to comments received on the definition of ''specially designed'' submitted in response to the June 19 proposed rule. A final definition of ''specially designed'' was published in the April 16 (initial implementation) rule. BIS is still evaluating where it may be feasible to remove the term ''specially designed'' from non-''600 series'' ECCNs on the CCL.

(1) Clarifications to Existing CCL Controls, Including the Use of the Terms ''parts'' and ''components'' on the CCL

The majority of changes proposed in the November 29 rule and being implemented in this final rule amend the CCL without changing the scope of the controls. The bulk of the changes this final rule is making to the CCL are non-substantive and will provide additional regulatory guidance to people classifying items subject to the EAR. One proposed change from the November 29 rule that is being implemented in this final rule will clarify the scope of ECCNs by providing clearer definitions of the terms ''part'' and ''component,'' which is discussed below. However, this final rule does include changes that would affect the scope of one ECCN. Specifically, this final rule removes ECCN 8A918 and adds certain marine boilers to ECCN 8A992, where they would be controlled for AT and UN reasons.

BIS proposed in the November 29 proposed rule changes to align the regulations with the definitions of ''part'' and ''component'' included in a proposed rule published on July 15, 2011 (76 FR 41958) entitled ''*Proposed Revisions to the Export Administration Regulations (EAR): Control of Items the President Determines No Longer Warrant Control Under the United States Munitions List (USML)''* (hereinafter ''the July 15 (framework) rule''), which were made final in the April 16 (initial implementation) rule. The changes that are implemented in this final rule include adding additional references to ''part'' (although scaled back considerably compared to what was proposed in the November 29 proposed rule), and ''component'' in certain ECCNs to clarify that the scope of those ECCNs also extends to ''parts'' and ''components'' even if previously those ECCNs may have only referenced either ''part'' or ''component,'' but not both terms together. The proposed definitions of ''part'' and ''component'' were provided in the November 29 proposed rule as a reference, along with a discussion of the context for the need to make certain conforming changes. The November 29 proposed rule indicated that the conforming changes would not be published in final form until the revised definitions of ''part'' and ''component'' were published in final form, which occurred, as noted above in this paragraph, in the April 16 (initial implementation) rule that is effective on October 15, 2013. Because of the relationship between this final rule and the initial implementation rule, this final rule's effective date is coordinated to become effective on the same day as the initial implementation rule.

As was noted in the November 29 proposed rule, BIS is not attempting to add additional references to ''parts'' and ''components'' in this final rule that would change the scope of what the

affected ECCNs control. In the past, BIS had not drawn clear distinctions between what was a ''part'' or ''component'' because both terms were undefined on the CCL. Having newly defined terms for ''part'' and ''component'' makes the CCL clearer and allows for more nuanced controls to be developed, but making the necessary conforming changes to the current CCL control text to conform to those new definitions, while not changing the intended scope of those existing ECCNs is also an important part to the Export Control Reform effort. BIS encouraged the public to participate in this process by reviewing the proposed changes in this area included in the November 29 rule.

In the November 29 rule, BIS indicated that if, however, the public believes any of the proposed changes would change the present scope of the affected ECCNs, then the public should submit comments that identify such changes and explain how the changes would cause the ECCNs to deviate from their present scope. One commenter did submit comments that were highly critical of these changes and questioned BIS's assumptions, in particular whether such conforming changes would not change the scope of these ECCNs. BIS addresses this comment below in detail, including discussing the additional review conducted by BIS and the other agencies that reviewed this rule that led to a significant reduction in the number of ECCNs where ''parts'' are being added in this final rule. In addition, in the November 29 proposed rule, the public was encouraged to review the entire CCL to identify and comment on any other ECCN that uses the terms ''parts'' or ''components'' where additional changes may be warranted to conform to the intended scope of those ECCNs. Certain commenters conducted such analysis and made suggestions for additional changes that are addressed or implemented in this final rule. These public comments and additional reviews conducted by BIS and the other agencies helped to improve this final rule.

The following describes the changes included in this final rule, the comments received that pertained to changes proposed in the November 29 rule, and any additional changes that are being implemented in this final rule as a result of BIS's review of the comments and additional analysis conducted of the CCL.

The clarifying changes being implemented in this final rule are as follows:

(A) Revisions to ECCN Headings To Clarify Meaning

Revision to the headings of thirty-one ECCNs. In Supplement No. 1 to part 774—The Commerce Control List, this final rule revises, to enhance clarity, the headings of the following thirty-one ECCNs: 0A018, 1A995, 1B018 1B115, 1C350, 1C355, 1C992, 2A291, 2A991, 2B005, 2B201, 2B109, 2B991, 2B992, 3B991, 3B992, 4A994, 5A991, 5A992, 5D992, 5E992, 6A997, 6A998, 6B995, 6D993, 7A103, 7A107, 8A992, 9A004, 9A106 and 9B991. This final rule also clarifies the relationship between the headings and the ''items'' paragraph in the List of Items Controlled section of these thirty-one ECCNs. For example, in certain ECCNs, the entries include an ''items'' paragraph, but the ECCN heading does not direct people to review the ''items'' paragraph. This rule will add the phrase ''(see List of Items Controlled)'' to these ECCN headings. For other ECCNs listed above, the heading includes the phrase ''(see List of Items Controlled),'' but the placement of the phrase is not correct in terms of what BIS intended to control in the ECCN. If the phrase appears at the end of the heading, then that means the ''items'' paragraph in the List of Items Controlled section is the exclusive, complete list of the items the ECCN controls. If, however, the phrase appears in the middle of the heading, then that means only that portion of the heading prior to the phrase ''(see List of Items Controlled)'' is specifically identified in the ''items'' paragraph in the List of Items Controlled section, and that the remaining part of the heading (i.e., the rest of the heading after the phrase ''(see List of Items Controlled)'') is an exclusive, complete description.

The placement of the phrase ''(see List of Items Controlled)'' is important for ''parts'' and ''components'' referred to in ECCN headings. If ''parts'' and ''components'' references appear before the phrase, the entry only controls ''parts'' and ''components'' specifically identified in the ''items'' paragraph in the List of Items Controlled section. If, however, the phrase is in the middle of the heading and the reference to ''parts'' and ''components'' appears after the phrase—such as ''and specially designed ''parts'' and ''components'' therefor''—that means the ECCN would control ''specially designed'' ''parts'' and ''components'' for any item identified in the ''items'' paragraph in the List of Items Controlled section. This rule does not address the definition of ''specially designed,'' which was published in the April 16 (initial implementation) rule, but rather the relationship between these headings and the ''items'' paragraph in each of these respective ECCNs.

Revisions to fourteen ECCNs. In addition, this rule adds the phrase ''as follows'' to the headings of the following fourteen ECCNs: 0A981, 2B201, 5D991, 5D992, 5E992, 6A992, 6A994, 6A995, 6A997, 6A998, 6B995, 6C994, 6D993 and 9B991, to ensure consistency with the structure of other ECCNs on the CCL. The phrase ''as follows'' is used on some of the multilateral export control regime control lists, which is why the phrase appears on the CCL, including in some ECCNs that reflect controls applied unilaterally by the United States based on domestic foreign policy to conform to the structure of the regime-based ECCNs. The multilateral export control regimes do not use the phrase ''(see List of Items Controlled),'' but this phrase is used in many of the multilateral-based ECCNs on the CCL. BIS seeks greater consistency in how CCL headings are constructed, in particular how these two phrases are used in the ECCN headings. Commenter No. 8 to the November 29 proposed rule recommended, where the two phrases appear together at the end of the heading, that the use of ''as follows'' serves no purposes and therefore should be removed. Although BIS agrees there is redundancy in such cases, BIS desires to maintain consistency with the Wassenaar Arrangement, which uses the term ''as follows'' while at the same time using the CCL convention of directing the public to the ''items'' paragraph when needed. Thus, BIS is not accepting the recommendation in this comment, but will continue to consider whether additional changes should be made, including whether multilateral regime change proposals or discussions in this area may be warranted.

ECCN 1C011. This final rule is removing the cross reference from the heading of 1C011 to 1C111 because this text is no longer needed as a result of the addition of Supplement No. 4 to Part 774—Commerce Control List Order of Review in the initial implementation rule. Under Step 5 of the new CCL Order of Review, if an item is not classified by a ''600 series'' ECCN, then starting from the beginning of the product group you should analyze each ECCN to determine whether any other ECCN in that product group describes the item. This new CCL Order of Review makes the relationship clear between these two ECCNs, so there is no need to qualify the heading of 1C011 with the phrase ''other than those specified in 1C111.'' Therefore, this final rule

removes those phrases from the heading of 1C011.

ECCN 1D993. This rule revises the heading of 1D993 to remove the term ''equipment'' to be consistent with the definition of ''equipment'' added to the EAR in the April 16 (initial implementation) rule. This ECCN currently refers to equipment or materials, but the only ECCNs cross referenced in the heading are for controls on materials, so the term equipment is not needed in 1D993. BIS did not receive any comments on this change, so BIS is implementing this change, as proposed, in this final rule.

ECCNs 0D001, 3D980, 3E980, 4D980 and 4E980. This rule revises the headings of ECCNs 0D001, 3D980, 3E980, 4D980 and 4E980, by removing the term ''items'' and adding the term ''commodities'' in its place. BIS makes this change because in the context of these five ECCN headings, the term ''commodities'' is more accurate and specific regarding the scope of these entries. BIS did not receive any comments on this change, so BIS is implementing this change, as proposed, in this final rule.

ECCN 2B998. The heading of 2B998 uses the undefined term ''units.'' To add greater specificity regarding what the term ''unit'' is intended to cover in this ECCN, this rule modifies the heading by removing the term ''units'' and adding the term ''circuit boards.'' This change will clarify that ''circuit boards'' are the items covered under the heading of 2B998. BIS did not receive any comments on this change, so BIS is implementing this change, as proposed, in this final rule.

ECCNs 3A980 and 3A981. This rule adds the term ''therefor'' immediately before the term ''n.e.s.'' to the headings of ECCNs 3A980 and 3A981. This rule makes this change to emphasize that these ECCNs refer only to components of the subject voice print equipment and polygraph equipment. BIS did not receive any comments on this change, so BIS is implementing this change, as proposed, in this final rule.

ECCN 9A004. Commenter No. 7 suggested the term ''specifically designed'' should be replaced with ''specially designed'' on the CCL wherever it occurs. The November 29 proposed rule did not propose this change to ECCN 9A004. Commenter No. 7 noted that ECCN 9A004 still uses specifically designed ''parts'' and ''components'' as opposed to ''specially designed.'' For consistency this commenter suggested ''specially designed'' should be used all the time on the CCL. As part of the Export Control Reform Initiative, BIS will review the use of ''specifically designed'' on the CCL as it corresponds to the USML categories, and how those categories are revised during the USML-to-CCL regulatory process.

(B) Clarification of the Use of the Terms ''parts'' and ''components'' on the CCL

The July 15 (framework) rule included proposed definitions for the terms ''part'' and ''component.'' The April 16 (initial implementation) rule included a final definition for the terms ''part'' and ''component.'' Specifically, the initial implementation rule, and the July 15 (framework) proposed rule, defined ''parts'' as ''any single unassembled element of a component, accessory, or attachment which is not normally subject to disassembly without the destruction or the impairment of design use. Examples include threaded fasteners (e.g., screws, bolts, nuts, nut plates, studs, inserts), other fasteners (e.g., clips, rivets, pins), common hardware (e.g., washers, spacers, insulators, grommets, bushings), springs and wire.''

The April 16 (initial implementation) rule, and the July 15 (framework) rule, defined ''components'' as an item that is useful only when used in conjunction with an ''end item.'' Note that components are also commonly referred to as assemblies. For purposes of this new definition that was added to the EAR on April 16, 2013, in the initial implementation final rule that becomes effective on October 15, 2013, an assembly and a component are the same. Additionally, there are now two types of ''components'': ''Major components'' and ''minor components.'' A ''major component'' includes any assembled element which forms a portion of an ''end item'' without which the end item is inoperable. For example, for an automobile, components include the engine, transmission, and battery. If you do not have all those items, the automobile will not function, or function as effectively. A ''minor component'' includes any assembled element of a ''major component.'' Note also that ''components'' consist of ''parts.'' ' References in the CCL to ''components'' include both ''major components'' and ''minor components.''

Another example for applying the definition of ''component'' in the automobile context would be a fuel pump and the engine. Under this additional example, the fuel pump is a minor component of an automobile, as it is an assembled element of a ''major component,'' the engine. While the car will not function without the fuel pump, it is not a ''major component'' because it is integrated into a ''major component,'' the engine.

The July 15 (framework) rule indicated BIS would review the use of these two terms on the CCL and would likely make clarifications to CCL entries to conform to the proposed definitions included in the July 15 (framework) rule under a separate rule. The November 29 proposed rule addressed the use of the terms ''parts'' and ''components'' on the CCL to ensure these terms were being used in a manner consistent with the final definitions included in the April 16 (initial implementation) rule. BIS received a variety of different comments on these proposed changes that are addressed here.

The terms ''parts'' and ''components'' sometimes have been used interchangeably in various ECCNs, which may have been the source of some confusion. The final definitions included in the initial implementation rule were developed to provide clear, distinct definitions for both these terms and other terms such as ''end item,'' ''system,'' ''accessories,'' and ''attachments,'' to align with the definitions of these terms in the International Traffic in Arms Regulations (ITAR). See 22 CFR § 121.8. Such distinctions are significant for purposes of determining whether an ECCN applies to an item.

If an ECCN does not include a control on ''parts'' or ''components,'' then that ECCN would not, by definition, apply to the export of any particular ''parts'' or ''components.'' However, as mentioned above, the terms ''parts'' and components'' have sometimes been used interchangeably. Therefore, to ensure that once the definition of ''part'' and ''component'' are added to the EAR the scope of existing controls is not narrowed, the November 29 rule proposed adding additional references to ''parts'' or ''components,'' in particular for ECCNs that are based on the multilateral export control regime control lists. The November 29 rule took a cautious approach, possibly erring on the side of potential over control versus under control when making these conforming changes for ''parts'' and ''components,'' in particular for the addition of ''parts'' to entries that only identified components.

Under the current EAR, many of the ECCNs based on the multilateral control lists reference ''components,'' but not ''parts.'' For these entries where parts were not referenced, the U.S. Government had to take into account in drafting the November 29 rule how the U.S. Government has interpreted these ECCNs as well as how the other multilateral regime members have

interpreted these ECCNs to determine whether the intent of the U.S. Government and the other regime members was for these entries to include ''parts.'' In certain contexts BIS has determined the intent of the U.S. Government and the respective multilateral regimes is to also control ''parts.'' However, in other contexts after further review, BIS has determined the addition of ''parts'' is not needed, and therefore this final rule does not add references to ''parts.'' The Departments of State and Defense, along with other agencies that reviewed this final rule, assisted BIS in making these determinations. These determinations were focused on making sure that the conforming changes for ''parts'' and ''components'' being implemented in this final rule are consistent with past practice and would not result in a change in existing controls.

As noted in the November 29 rule, over the mid- to long-term, BIS will work with the other U.S. Government agencies involved in the multilateral regimes, in particular the Department of State as the lead representative to the multilateral export control regimes, to raise in the respective multilateral export control regimes whether certain ECCNs should be limited to ''components'' or ''parts'' or some other subset of ''components,'' such as major components or minor components.

Based on the public comments received, there appears to be some degree of disparate interpretation regarding whether some of these ECCNs are intended to also include ''parts.'' For example, Commenter No. 8 believes that in the vast majority of contexts, these ECCNs are not intended to reach ''parts.'' However, Commenters No. 6 and 7 supported the conforming changes, including those involving the addition of ''parts.'' Because BIS in the past had not defined or clearly distinguished between these two terms, it is not surprising to BIS that certain commenters would arrive at differing determinations regarding whether current ECCNs that do not include ''parts'' are intended to also include ''parts.''

Many unilateral ECCNs on the CCL refer to ''parts'' but not ''components.'' For unilateral ECCNs, BIS has more discretion in whether these ECCNs should control ''parts'' and ''components.'' However, for consistency with the approach implemented for the multilateral-based ECCNs in this final rule, and to ensure the scope of the unilateral ECCNs is not changed, this final rule is adding references to ''parts'' and ''components'' as needed in the unilateral ECCNs to reflect how BIS has interpreted the scope of these ECCNs in the past. These changes proposed in the November 29 rule were not opposed by any of the public comments received.

Consistent with the April 16, 2013 final definitions of ''part'' and ''component'' included in the initial implementation rule, BIS is implementing a number of changes to the CCL to incorporate the terms ''parts'' and ''components'' in specific ECCNs. However, as noted above, BIS has significantly scaled back the number of ''parts'' additions included in the final rule. The primary purpose of these ECCN changes is to conform to those definitions and to ensure that no substantive changes are made to the current U.S. Government interpretation of these ECCNs.

Public Comments Received for Clarifying the Use of the Terms ''parts'' and ''components'' on the CCL

The following discusses the comments received regarding the clarification of the use of the terms ''parts'' and ''components'' on the CCL.

Two commenters supported the ''parts'' and ''components'' changes. Commenter No. 6 noted that the definition of ''part'' and ''component'' is a welcome clarification.'' Commenter No. 7 also indicated these changes should resolve ambiguities about ECCN coverage and enable companies to correctly classify items falling under each of these designations. BIS agrees with these comments. Commenters No. 6 and 7 support BIS's rationale for these changes and provide additional rationale highlighting the benefits and need to make these changes.

One commenter opposed the ''parts'' and ''components'' changes. Commenter No. 8 opposed the ''parts'' and ''components'' changes because central to the proposed ''parts'' and ''components'' changes are the definitions of ''specially designed'' and ''component,'' respectively. This commenter noted that it is difficult to gauge the impact of the proposed changes in this area set forth in this rule without knowing the definitions of these terms. BIS acknowledges that these other terms have been proposed in other proposed rules being implemented under the ECR Initiative. BIS made this explicit in the November 29 proposed rule by including references to the definitions of ''part'' and ''component'' included in the July 15 (framework) rule. The public was informed in the November 29 proposed rule that those proposed definitions should be used as they evaluate the clarifying changes that were proposed in the November 29 proposed rule, and was given ample opportunity to review and comment on those proposed definitions. The April 16 (initial implementation) final rule that includes the definitions for these terms was informed by such public comments. The definitions of ''part'' and ''component'' included in the initial implementation rule did not substantively change from what was originally proposed in the July 15 (framework) rule.

Commenter No. 8 also stated as part of their rationale that the proposed rule tries to accomplish far too much at one time. BIS acknowledges that the proposed rule was large. However, the proposed rule clearly identified the proposed changes and the rationale for the various clarifying changes to ''parts'' and ''components.'' The public, including all potentially affected industries, was given adequate notice to review the proposed changes and submit comments. Certain specific examples were provided by commenters, such as Commenter No. 6 that noted in certain places the importance of the use of ''and'' or ''or'' as it related to certain technology ECCNs. BIS made clarifying changes to certain technology ECCNs as a result of these comments regarding ''and'' or ''or.'' The specific technology ECCNs that were revised to address the ''and'' or ''or'' issue are discussed elsewhere in this rule under the specific ECCNs.

Over time if the public identifies additional entries where changes should be made to ''parts'' and ''components,'' BIS may make additional clarifications to such controls, including implementation of multilateral export control regime changes, if approved by the relevant regime.

Commenter No. 8 also opposed these changes, asserting that these changes will cost exporters substantially more time to evaluate whether the numerous additions of ''parts'' or ''components'' will change the scope of an ECCN in a material way for their operations. This commenter noted that a substantial amount of time will also be required for exporters to evaluate the numerous inherent ambiguities the additions create in given ECCNs. BIS does not agree that the addition of ''part'' or ''component'' references by this rule will require exporters to spend substantially more time to determine the scope of the potentially relevant ECCN. Interested members of the public had adequate notice to review the proposed changes and submit comments as the November 29 proposed rule included a 60-day public comment review period. The preamble to the rule also identified changes to ''parts'' and ''components''

and provided a considerable amount of detail regarding what was changing and why. Based on the comments received, BIS and the other agencies as mentioned above conducted a review of all the ''parts'' and '' components'' changes, which resulted in a significant scaling back of the ''parts'' changes. The proposed rule and the comments received along with the subsequent U.S. Government review led to a better final rule that more clearly achieves the stated objectives for the conforming ''parts'' and ''components'' changes.

As noted earlier, exporters and any other affected party may also submit additional suggestions for clarifications to the CCL at any time, so if in the future someone wishes to submit suggestions for further clarifying the use of ''parts'' and ''components,'' they may do that at any time consistent with § 756.1(a)(1) of the EAR.

Commenter No. 8 also requested that BIS publish several proposed rules proposing ''parts'' and ''components'' to be evaluated for each industry or related ECCNs. This commenter suggested that one option would be to propose ''parts'' and ''components'' rules for fewer ECCNs at a time, and possibly only pertaining to similar products or industries, so that BIS can be more confident that exporters will have identified and evaluated any unintended scope changes and ambiguities that may arise. BIS does not believe that such an approach is warranted based on the reasons noted above.

Commenter No. 8 also questioned BIS's premise that these changes were limited to making clarifications to the CCL. This commenter argued that references to ''parts'' and ''components'' will significantly change the scope of many well established ECCNs. This commenter disputed BIS's assertion that the addition of the term ''parts'' or ''components'' to numerous ECCNs, to ensure they include both terms, will not change the CCL substantively. BIS stated in the November 29 proposed rule that one of the objectives was to not change the scope of the ECCNs. As a result of this concern raised by Commenter No. 8, BIS and the other agencies reevaluated the ''parts'' and ''components'' changes and were able to identify a large number of ECCNs where the ''parts'' additions were not needed, and thus are not being implemented in this final rule. This change also addresses the clarity issues raised by Commenter No. 8. This reevaluation confirmed that the remaining ECCNs included in this rule where ''parts'' are being added need ''parts'' to be added in order to maintain the intended scope of control.

However, Commenter No. 8 also argued that ''parts'' and ''components'' cover very different things, so BIS cannot interpret them interchangeably. The commenter noted that even if BIS sometimes interprets the terms ''parts'' and ''components'' interchangeably, the new proposed definitions of those terms describe very different items and will, therefore, require that those terms cover different items. To add one or the other of those terms to an ECCN in which it does not currently appear will dramatically change the scope and coverage of the ECCN. BIS agrees that the terms ''part'' and ''component'' under the new definitions will be distinct. Prior to the addition of a definition for ''part'' and ''component'' by the initial implementation rule, BIS had not used the same level of specificity in interpreting the scope of the undefined terms parts and components as used on the CCL. If the entry used the term ''part,'' BIS typically also interpreted the entry to extend to components. Similarly, when the entry used the term ''components,'' BIS in the context of certain entries interpreted those entries to extend also to parts. More importantly, because the terms part and component were not defined, this was not perceived as an issue. However, now that the two terms are defined, and as indicated in the comment cover different commodities, there is a need to specify in the context of each ECCN what was intended.

Commenter No. 8 also argued that treating ''parts'' and ''components'' as interchangeable is counter to the ECR goal of harmonizing terms and concepts across the USML and CCL. This commenter noted that the USML maintains separate definitions of ''part'' and ''component.'' Because one of the goals of export control reform is to harmonize terms and concepts across regulatory regimes, the notion that ''parts'' and ''components'' are ''interchangeable'' terms in the EAR will potentially create confusion and drafting problems as items move from the USML to CCL, or as well as when the planned consolidation of the two control lists eventually occurs. BIS does not agree that treating the undefined terms ''parts'' and ''components'' as interchangeable is counter to the ECR goal of harmonizing terms and concepts across the USML and CCL. BIS is making the changes as part of the larger effort to begin the harmonization between the EAR and the ITAR of key terms. If BIS did not make the changes, then ''parts'' that are within the scope of the word ''components'' throughout the CCL would become decontrolled once the EAR adopted in Part 772 the ITAR's definition of ''part.'' Thus, this conforming change will bring the non-''600 series'' into alignment with the structure of both the ITAR and the ''600 series'' ECCNs. As noted above, Commenters No. 6 and 7 view the greater specificity as a benefit to exporters, so although these ''parts'' and ''components'' changes are integral to the larger USML-to-CCL process now under way under the ECR Initiative, these changes will also make the overall CCL clearer.

Commenter No. 8 also noted that adding one term or another to an ECCN's heading as a matter of course to ensure the heading includes both terms will inevitably create new ambiguities in interpreting an ECCN. BIS clearly described the intent of these changes in the proposed rule and then requested the public to review each of these changes and to identify any changes that either were not consistent with how they interpret the scope of these ECCNs or created any perceived ambiguity. BIS received comments on this issue that related to ECCNs 1C007, 2A292 and 6A992, 2B116, and 3A001 and analyzed them as follows:

ECCN 1C007. Commenter No. 7 suggested BIS replace ''components'' in 1C007 with the term ''ingredients,'' which the commenter thought makes more sense in this materials category. BIS did not propose this change in the November 29 rule, but understands the rationale for the suggestion. However, BIS is addressing the commenter's suggestion by not adding quotes around the term components in 1C007.e. BIS is not adding quotes around the reference to ''components'' in 1C007.e, because the controls are for ''carbon and nitrogen components,'' which is interpreted as a single term for purposes of 1C007.e, in this final rule. This is similar to the rationale provided below for why quotes are not being used in ECCNs 3A001.b, 3A982 and 3D982 in this final rule.

ECCNs 2A292 and 6A992. BIS received comments from Commenter No. 8 in response to the proposed changes to the ''unit'' paragraph in ECCNs 2A292 and 6A992. However, as noted elsewhere in this final rule, BIS is not implementing the proposed changes to the ''unit'' paragraphs because this final rule is removing the ''unit'' paragraph from all ECCNs on the CCL as part of the effort to simplify the shipping tolerance provisions under the EAR that are also being implemented in this final rule. For these reasons, BIS is not implementing the changes suggested in the comments to 2A292 and 6A992.

ECCN 2B116. Commenter No. 8 noted a specific ECCN example (2B116) as a basis for their concern regarding the use of ''parts.'' This commenter noted that the November 29 rule proposed to add ''parts'' to 2B116, which currently covers only ''components'' for relevant vibration test systems. This commenter was concerned that none of items listed in 2B116, however, would likely be considered a ''part'' under the new definition. This commenter believed that if implemented, exporters would then be left with uncertainty as to whether an item that could be considered a ''part'' of a covered vibration system is controlled. BIS does not believe any changes for clarity need to be made for 2B116. The subsequent review conducted by the U.S. Government of the ''parts'' changes determined in the context of 2B116 that ''parts'' is needed in order to maintain the intended scope of control. Moreover, BIS believes with ''(see List of Items Controlled)'' appearing at the end of the entry, there should be no confusion as to what is controlled because only the items listed are controlled. This interpretation also aligns with the original Missile Technology Control Regime (MTCR) text and interpretation regarding the scope of this entry. Therefore, for the reasons noted above, BIS is implementing the changes, as proposed; in this final rule.

ECCN 3A001. Commenter No. 8 also noted ECCN 3A001.c as an example of their specific concerns about the use of ''parts.'' This commenter thought this change would result in new compliance obligations for companies that deal in less complex elements (''parts'') of a covered wave device. The subsequent review conducted by the U.S. Government of the ''parts'' changes determined in the context of 3A001 that ''parts'' is not needed in order to maintain the current scope of control. Therefore, BIS is not implementing this change to 3A001 and to all other ECCNs where the subsequent review determined ''parts'' was not needed in order to maintain the current scope of control.

Commenter No. 8 also noted that the ''parts'' and ''components'' changes are not consistent with multilateral regime control lists. This commenter asserted the proposed rule makes changes to many ECCNs that are governed by multilateral export control regimes, including WA, which BIS acknowledges is a correct statement. Commenter No. 8 indicated that adding ''parts'' to CCL headings represents a significant change and marked expansion of scope of the current entries and is not consistent with specific WA language. This commenter believed the U.S. Government should submit this change to the Wassenaar Arrangement. This commenter believes these proposed changes will require consent of WA members before they can be made. The same is true with other proposed changes to other CCL entries that are based on other multilateral regimes, such as the Australia Group (AG). This commenter encouraged BIS to consult with the other regime members before these changes are made because failing to do so could lead to a different scope of coverage in the U.S.

The United States is a member of the four major multilateral export control regimes. In accordance with the terms of membership of these regimes, the CCL is consistent with the control lists used by the respective multilateral export control regimes, although there is national discretion in how those lists are implemented in the various member countries' controls. BIS's interpretation of the usage of the term ''parts,'' which informed the proposed changes included in the November 29 proposed rule, was that ''parts'' generally fall under ''components'' for the typical WA control text. BIS applies this same interpretation to the other multilateral control lists, which also informed the changes included in the November 29 proposed rule. However, based on the concerns raised by Commenter No. 8, the U.S. Government, including the Department of State, conducted an additional review of the ''parts'' and ''components'' changes that were included in the November 29 rule. This review, as noted above, resulted in a significant reduction in the number of ECCNs where ''parts'' is added in this final rule, in particular for many of the Wassenaar Arrangement-based ECCNs. In the remaining ECCNs where ''parts'' is being added, the U.S. Government has determined that the intent in the context of these ECCNs, including the multilateral based ECCNs, is that ''parts'' is needed in order to maintain the current scope of control.

In the future, if one of the respective multilateral regimes specifies under one of the multilateral-based entries that such entries are intended to only reach ''components'' or some other formulation, BIS will implement those changes to the respective entries on the CCL consistent with the U.S. Government's multilateral regime commitments.

The November 29 rule proposed changes implemented in this final rule revise one hundred and one ECCNs on the CCL where the term ''parts'' or ''components'' is used, as identified and described in the paragraphs below in more detail.

''Parts'' is used, but ''specially designed'' ''components'' or 'components' as follows'' is intended or ''specially designed'' ''parts'' and ''components'' is intended. In three ECCNs, the term ''parts'' is used, but the term ''specially designed'' ''components'' is intended. This final rule removes the term ''parts'' and replaces it with the terms ''specially designed'' ''components'' in the following three ECCNs: 0A979, 3A980, and 3A981. This rule removes the term ''part'' and replaces it with the terms ''specially designed'' ''parts'' and ''components'' in the following four ECCNs: 0A982, 0A983, 0A985, and 0A986. In ECCNs 0A984 and 0A987, the term ''parts'' is used, but the term ''components'' or '' ''components'' as follows'' is intended. This rule removes the term ''parts'' and replaces it with the term ''components'' or '' ''components'' as follows'' in these ECCNs. BIS is implementing these changes, as proposed, in this final rule.

The hybrid term ''component parts'' is used, but ''parts'' and ''components'' is intended. In certain ECCNs, the hybrid undefined term ''component parts'' is used, but the intent is ''parts'' and ''components.'' This final rule changes ECCN 3A201 to bring its meaning into alignment with this intent by changing ''component parts'' to ''parts'' and ''components.'' BIS is implementing these changes, as proposed, in this final rule. This same issue appears in some of the ''xY018'' ECCNs on the CCL, but given that those ECCNs will be addressed in the ongoing USML-to-CCL process as those items in the ''xY018'' ECCNs are moved to the ''600 series'' ECCNs, the November 29 proposed rule did not propose making changes to those ''xY018'' entries.

''Parts'' or ''components'' is used, but ''parts'' and ''components'' is intended. Because the terms ''parts'' and ''components'' are currently used interchangeably in the context of several entries on the CCL, maintaining current controls while adopting definitions for these words requires the use of both words in each of the seventy-two ECCNs where one of those terms is currently used but both terms are intended. This will ensure that existing ECCNs maintain the same controls that existed when the terms were undefined, so that ''parts'' and ''components'' will encompass all subsidiary elements of a complete system in the context of these ECCNs. The November 29 rule proposed adding ''parts'' or ''components'' to one hundred and forty-six ECCNs, but after further review conducted by the U.S.

Government, BIS determined only seventy-two ECCNs needed ''parts'' or ''components'' added in order to maintain the current scope of control. The significant reduction in the number of these changes is from the reduction in the number of ECCNs where ''parts'' is being added in this final rule. BIS, in consultation with the other agencies and multilateral export control regimes, intends to revise these entries in the future to further refine the CCL controls, but BIS has determined the changes being implemented in this final rule are the only ones needed at this time and are consistent with the current multilateral regime control lists.

This final rule will insert ''parts'' and add quotation marks in the following sixty-four ECCNs (in the November 29 proposed rule ''parts'' was to be added in one hundred and twenty-seven ECCNs): 1A001, 1A002, 1A102, 1A995, 1B003, 1B101, 1B102, 1B115, 1B117, 1B118, 1B119, 1C117, 2A991, 2B109, 2B116, 2B229, 2B351, 2B352, 2B992, 2B998, 2D351, 3A101, 3A201, 3A292, 3A999, 3B991, 3B992, 3D991, 3E982, 3E991, 4A101, 4A994, 5A991, 6A107, 6A203, 6A991, 6B995, 6E001, 6E002, 6E993, 7A101, 7A102, 7A103, 7A104, 7A105, 7A107, 7D101, 7E101, 8A002, 8A992, 9A004, 9A010, 9A011, 9A106, 9A108, 9A109, 9A111, 9A120, 9B001, 9B002, 9B009, 9B115, 9B116 and 9E003. BIS is implementing these changes as proposed, except for the following sixty-three ECCNs: 1A004, 1A005, 1A006, 1A008, 1B001,1C007, 1C230, 2A001 (although BIS is adding a new Note to 2A001.a to clarify this paragraph includes a control on roller bearing and roller elements ''specially designed'' for the items specified therein), 2B001, (not implemented for heading), 2B003, 2B004, 2B005, 3A001, 3A003, 3A233, 3A982, 3A991, 3B001, 3B002, 3D982, 3E001, 3E003, 4A001, 4A003, 4A004, 5A001, 5B001, 5E001, 5A002, 5A992, 6A001, 6A002, 6A003, 6A004, 6A005, 6A006, 6A008, 6A102, 6A205, 6A992, 6A995, 6A996, 6A998, 6B008, 6D001, 7A001, 7A002, 7A003, 7A004, 7A005, 7A008, 7D001, 7E001, 7E002, 9A002, 9A003, 9A005, 9A006, 9A008, 9A012, 9B003, 9B010, and 9D004 (not implemented for 9D004.e) that will not be changed based on the subsequent U.S. Government review of the ''parts'' and ''components'' changes, in this final rule.

ECCN 3A001. After further review of the proposed changes, including a review of input received from BIS's TACs, BIS decided to not add quotes around the first reference to ''components'' in the phrase ''electronic components'' in the heading of ECCN 3A001 to avoid creating confusion over the meaning of the phrase. ''Electronic components;'' although undefined; is interpreted as a single term for purposes of 3A001. For similar reasons, BIS is not adding quotes around the reference to ''components'' in 3A001.b because the controls are for microwave or millimeter wave components, which is interpreted as a single term for purposes of 3A001.b, as well as the references to the phrase microwave or millimeter wave components in the headings of ECCNs 3A982 and 3D982 in this final rule.

This final rule inserts ''components'' and adds quotation marks in the following eight ECCNs: 2A994, 2B201, 5A980, 6A203, 6B995, 8A992, 9A106, and 9A991. In this final rule, BIS is implementing these changes as proposed, except 2A292, 2B001 (in the heading), and 9A012 will not be changed based on the subsequent U.S. Government review of the ''parts'' and ''components'' changes included in the November 29 rule.

This final rule will add quotation marks to the existing term ''components'' in the following fifty-two ECCNs: 1A004, 1A005, 1A006, 1A008, 1B001, 1C007, 2A001, 2B003, 2B004, 3A003, 3B001, 3B002, 3E001, 4A001, 4A003, 4A004, introductory text of Note 1, the N.B.2 and Note 2 that immediately follows the Category 5 Part 1—Telecommunications, 5A001, 5A002, 5A992, 5B001, 5E001, 6A001, 6A002, 6A003, 6A004, 6A005, 6A006, 6A008, 6A992, 6A995, 6A996, 6A998, 6B008, 6D001, 7A001, 7A002, 7A003, 7A004, 7A005, 7A008, 7E001, 7E002, 9A002, 9A003, 9A005, 9A006, 9A008, 9B003, 9B010, 9A012, 9D003 and 9E003.

This final rule will reposition the term ''parts'' before ''components'' and will add quotation marks to the existing terms ''parts'' and ''components'' in the following ten ECCNs: 1C002, 2A983, 2A984, 3A001, 4A994, 7A994, 9A106, 9A991, 9B990, and 9E003. BIS is implementing these changes, as proposed, in this final rule, except 1A004, 3A001, and 6A992 will not be changed based on the subsequent U.S. Government review of the ''parts'' and ''components'' changes included in the November 29 rule.

ECCN 1C350 and 1C355. After further review of the proposed changes to ECCNs 1C350 and 1C355, including reviewing input received from BIS's TACs, BIS decided to not add the term ''parts'' to ECCNs 1C350 and 1C355. BIS decided it would be better to replace the term ''components'' in these two ECCNs with the alternative term ''ingredients.'' This change will more clearly reflect the intent of these two ECCNs and avoid potential confusion with the new definition of ''component.''

ECCN 9E003. Commenter No. 6 noted that although they supported the addition of the conforming changes for ''parts'' and ''components,'' for certain technology entries using ''and'' instead of ''or'' between ''parts'' and ''components'' may inadvertently allow the release of certain technology. This commenter noted that the proposed rules used the phrases *''parts'' or ''components''* and *''parts'' and ''components''* interchangeably. The commenter further asserted that there are cases where this may cause some readers to read the control as being narrower than intended, specifically in ECCNs 9E003.a.7, 9E003.a.8, and 9E003.c. In the case of the proposed wording for 9E003.a.7, Commenter No. 6 asserted this could be interpreted to mean that the ''technology'' is ''required'' only if it applies to both ''parts'' *and* ''components'', which is narrower than the ''technology'' for either item. This commenter recommended using ''or'' in these three items paragraphs of 9E003. However, as a result of this comment, BIS also evaluated the other entries where conforming changes for ''parts'' and ''components'' were being made and determined that ''and'' should also be replaced with ''or'' in the following two ECCNs: 2B201 note to .a, and 9B009 heading.

(C) Clarification of the Use of the Term ''assemblies'' on the CCL as Components

In the ''component'' definition added to the EAR in the April 16 (initial implementation) rule, it states that ''components are also commonly referred to as assemblies. For purposes of this definition, an assembly and a component are the same.'' BIS has reviewed the CCL to ensure the term ''assemblies'' is not being used redundantly on the CCL. This review identified five ECCNs (5A991, 9A002, 9A003, 9B002, and 9D004) where the terms ''assemblies'' and ''components'' are being used in the same ECCN, but where the term ''assemblies'' should be removed to avoid the incorrect interpretation that assemblies are different from components. This final rule adds the term ''electronic'' before the term ''assemblies'' in 5A991 under ''items'' paragraphs (c.1) and (g) to distinguish the particular type of assembly that is intended to be controlled under this entry. As was noted in the November 29 proposed rule, with regard to ECCNs 9A002, 9A003, 9B002, and 9D004, the U.S. Government intends to develop a proposal to submit to the Wassenaar Arrangement that would propose the

removal of the term ''assemblies'' from these ECCNs or, in the alternative, propose the addition of more descriptive terms, such as ''electronic'' to clarify the scope of those other multilateral-based ECCNs.

This final rule removes reference to the term ''assemblies'' in ECCN 6A998 and adds the term ''components'' in its place. As described above, this rule also adds the term ''parts'' to 6A998. BIS is implementing these changes as proposed, with the one exception, in this final rule.

(D) Revisions to the Following ECCNs, Including Changes Made as a Result of Comments

ECCN 1A005. Commenter No. 7 noted that ''specially designed'' does not consistently appear in quotation marks, as exemplified by 1A005. This commenter believes that to conform to the new definition of ''specially designed'' added in the initial implementation rule, the term should be in quotes in 1A005 and wherever else the term ''specially designed'' is used on the CCL. BIS agrees and is adding quotes wherever the term ''specially designed'' is used on the CCL in this final rule.

ECCN 1B001. Commenter No. 7 requested that BIS clarify in this final rule whether the July 15 (framework) rule proposed definition of ''accessories'' applies to 1B001 and to other places it is used on the CCL. This commenter also requested that BIS add quotation marks around ''accessories'' in 1B001 and wherever else on the CCL the term ''accessories'' is used. The definition for ''accessories'' was added to the EAR in the initial implementation rule, and will apply to 1B001 and wherever the term ''accessories'' is used on the CCL. Therefore, BIS in this final rule accepts these comments and is adding quotation marks to wherever the term ''accessories'' is used in this rule. Note that ''accessories'' and ''attachments'' are defined as separate terms in part 772, but the definition is the same for ''accessories'' and ''attachments'' and each definition cross references the other. For the same reason that BIS is adding quotation marks around ''accessories,'' BIS is also adding quotation marks around ''attachments'' in this final rule.

ECCN 1C996. This final rule will amend 1C996 by revising the heading to add the phrase ''not controlled by 1C006,'' to clarify the scope of 1C996 as it relates to 1C006. BIS did not receive any comments on this change, so BIS is implementing this change, as proposed, in this final rule.

ECCN 2A994. As an additional clarification to existing controls, Commenter No. 4 suggested adding an ECCN-specific definition of ''portable electric generator'' to 2A994. This commenter was aware of past advisory opinion guidance provided by BIS that had interpreted the term ''portable electric generator'' for purposes of 2A994. BIS is aware of this past advisory opinion and agrees it would be beneficial to add an ECCN-specific definition based on that previously provided guidance. This new ECCN-specific definition added by this final rule makes it clear that the generators that are in 2A994 are portable—5,000 lbs or less on wheels or transportable in a 2½ ton truck without a special set up requirement.

ECCN 2B350. This final rule amends 2B350 by revising the ''Related Definitions'' paragraph in the List of Items Controlled section to indicate for purposes of this entry that the term 'chemical warfare agents' includes those agents ''subject to the ITAR'' (see 22 CFR parts 120 through 130). In addition, this rule adds a note at the end of the ''items'' paragraph in the List of Items Controlled section to provide a reminder and cross reference to the Note for exporters, reexporters and transferors, stating the following: ''See Categories V and XIV of the United States Munitions List for all chemicals that are '' 'subject to the ITAR' (see 22 CFR parts 120 through 130).''

Commenter No. 8 requested BIS to specify whether the definition for the ''chemical warfare agents'' proposed for 2B350 also applies to 1A004 and 2B351. The 2B350 definition is an ECCN-specific definition, so it does not apply to 1A004 or 2B351. If the definition were intended to also apply to other ECCNs, then adding a definition of ''chemical warfare agents'' to 772 would be the appropriate change to make, but as noted that was not intended in the November 29 proposed rule.

Commenter No. 8 also indicated the ''chemical warfare agents'' definition scope proposed for ECCN 2B350 is not correct in terms of its reference to USML categories referenced. Specifically, Commenter No. 8 was concerned that proposing that the ITAR-controlled chemicals are only found in USML Categories V and XIV is not correct because such chemicals could conceptually fall within USML Category XXI and possibly others. In drafting the November 29 proposed rule, BIS consulted with the Department of State on the appropriate USML categories to reference in the 2B350 definition. In reviewing this comment and preparing this final rule, BIS also consulted with the Department of State. BIS acknowledges USML Category XXI, which is a temporary holding category on the USML, could be applicable, but USML Category XXI could also be applicable for any other USML-related cross reference provided on the CCL. For this reason, BIS does not add references to USML category XXI. Based on the interagency review of this comment and the draft final rule, no additional USML categories need to be added to the 'chemical warfare agents' definition in ECCN 2B350. For the reasons noted above in responding to the commenter, BIS is implementing this change, as proposed, in this final rule.

ECCN 2B996. This final rule amends 2B996 by revising the heading to clarify that dimensional inspection or measuring systems or equipment not controlled by 2B006 or 2B206 are controlled under this ECCN. Certain dimensional inspection or measuring systems or equipment controlled under 2B206 would also be controlled under 2B996. To clarify the relationship between 2B996 and 2B206, this rule adds 2B206 to the exclusion in 2B996. BIS did not receive any comments on this change, so this change is implemented, as proposed, in this final rule.

ECCN 2B999. Commenter No. 1 requested BIS clarify the scope of 2B999.g for fittings. The commenter asked BIS to clarify whether or not 304 and 316 stainless steel pipe fittings, which do not fall under 2A292.a, are classified under 2B999.g. This commenter noted that currently, manufacturers have differing interpretations. Some classify fittings under 2B999 and others EAR99. Confusion comes from some thinking 2B999.g includes fittings because ''fittings are simply shorter pieces of pipe.'' However, others may classify fittings as EAR99 because they are not specified in 2B999.g. Lastly, this commenter noted that whether the fittings are EAR99 or 2B999.g the same license requirements apply. BIS addressed this commenter's suggestion for removing 2B999 elsewhere in this rule and addressed the request for clarification here regarding the scope of 2B999.g. BIS confirms here that fittings are considered part of ''piping'' for purposes of 2B999. BIS also adds a new note to 2B999.g to clarify the scope of this item.

ECCN 6A002. This final rule revises the STA (License Exception ''Strategic Trade Authorization'') paragraph in the License Exceptions section, which as proposed in the November 29 rule and as implemented in the final rule, is now

in its own section called Special Conditions for License Exception STA. This final rule removes the phrase, ''to any of the eight destinations listed in § 740.20(c)(2) of the EAR'' from the end of the current STA paragraph and adds it to the introductory text of the STA paragraph. BIS makes this change to clarify the 6A002 ''items'' paragraphs that are not eligible for License Exception STA to any of the eight destinations listed in § 740.20(c)(2). BIS did not receive any comments on this change, so BIS is implementing this change, as proposed, in this final rule.

ECCN 6E001 and 6E002. This final rule removes the term ''equipment'' and replaces it with the term ''items'' in the ''NP'' and ''RS'' controls paragraphs in the License Requirements section of 6E001 and 6E002. This clarification is made as a conforming change to the new ''equipment'' definition added in the April 16 (initial implementation) rule. The clarification is made because the ''NP'' and RS'' items include paragraph references to other ECCNs that control items other than equipment and therefore the broader term ''items'' is intended in these two controls paragraphs in 6E001 and 6E002.

ECCN 8A918. This final rule removes the marine boilers from 8A918 and moves these items to two new ''items'' paragraphs in the List of Items Controlled section of 8A992. This rule adds a new ''items'' paragraph (l) to 8A992 for marine boilers designed to have any of the characteristics in the new 8A992.l.1 or .l.2. This rule adds ''items'' paragraph (m) to 8A992 for ''components,'' ''parts,'' ''accessories,'' and ''attachments'' for marine boilers that would be described in 8A992.l. This rule's movement of these commodities from 8A918 to 8A992.l and .m will remove the Regional Stability (RS) Column 2 control on these commodities. The Anti-Terrorism (AT) and United Nations (UN) controls will be retained for the commodities moved to 8A992.l and .m. BIS proposed this change in the November 29 rule because these marine boilers do not warrant an RS control or a separate ECCN entry and can therefore be added under ECCN 8A992 to be controlled with other types of marine commodities warranting an AT control. BIS did not receive any comments on this change, so BIS is implementing this change, as proposed, in this final rule.

ECCN 9A980. This final rule revises 9A980 by removing the term ''parts'' from the heading of the ECCN and adding a new heading note to clarify the scope of the ECCN. The Crime Control (CC) parts that would have been classified under this entry if exported alone are already accounted for on the CCL and controlled for CC reasons. The new heading note clarifies that in order for a vehicle to be classified as a nonmilitary mobile crime scene laboratory under ECCN 9A980, the vehicle must contain one or more analytical or laboratory items controlled for Crime Control (CC) reasons on the CCL, such as items controlled under ECCN 3A980 or 3A981. This new heading note does not change the scope of the ECCN, but clarifies the scope of this ECCN and the relationship to other CC ECCNs. BIS did not receive any comments on this change, so BIS is implementing this change, as proposed, in this final rule.

ECCN 9A991. In reviewing the conforming changes for ''parts'' and ''components,'' Commenter No. 6 raised concerns regarding whether the proposed changes to 9A991.d should be implemented due to a concern that the proposed wording may inadvertently classify some aircraft ''parts'' and ''components'' as EAR99 while an aircraft is in development. Commenter No. 6 asserted that under the proposed wording, the ''parts'' and ''components'' to be controlled are only those for ''aircraft'' that meet requirements of 9A991.a or .b. ECCN 9A991.a controls specific military aircraft, and ECCN 9A991.b controls ''civil aircraft.'' Prior to receiving a civil airworthiness certificate, developmental aircraft do not meet the definition of ''civil aircraft'' in § 772.1 of the EAR. The commenter stated that it would follow that ''parts'' and ''components'' ''specially designed'' for pre-certification non-military aircraft or in countries where such certificates are not granted are not described in 9A991.d, and barring any other control, would be classified EAR99. Once the aircraft is certified, these parts would move to 9A991.d. Commenter No. 6 indicated they believed this is not the intent of the control. BIS agrees that this is not the intent of the control. BIS reviewed this issue and determined it was better to revise 9A991.b by replacing the term ''civil aircraft'' with the term ''aircraft n.e.s.'' This revision to 9A991.b would describe more precisely the scope of the ECCN and would be consistent with how BIS now interprets the ECCN. Aircraft subject to the ITAR will remain ITAR controlled. Aircraft subject to the EAR and controlled by ECCN 9A610.a will continue to be controlled by that ECCN. Aircraft described in ECCN 9A991.a will continue to be controlled by that subparagraph. ECCN 9A911.b will continue to control all other aircraft at all stages of their development or production, and regardless of whether they have a certification from an aviation authority. This final rule also makes a conforming change to the change in 9A991.b by revising the regional stability (RS) 1 control in ECCNs 7D001, 7E001, 7E002, and 7E101. These ECCNs are amended by removing the term ''civil aircraft'' and replacing it with the more accurate phrase 9A991.b aircraft. This change is not substantive and is limited to conforming to the clarification made to 9A991.b and to add greater specificity in these three RS controls. For additional clarity, this final rule also adds the conjunction ''and'' to the RS control between the terms ''inertial navigation system'' or ''inertial equipment'' in 7D001, 7E001, 7E002 and 7E101, along with other clarifying text to the RS control in 7E101 to clarify the scope of this RS control by adding the terms ''required'' and ''specially designed.''

xY999 ECCNs. Commenter No. 1 suggested BIS remove all xY999 ECCNs where items controlled are only AT-controlled. BIS evaluated this change in drafting the November 29 proposed rule and considered implementing the removal of certain xY999 entries in this final rule. However, in evaluating these possible removals with the other agencies involved in the review process of the November 29 rule, it was determined that additional analysis is needed before moving forward with these removals. This determination also took into account the minimal impact that such removals would have, given that the only xY999 ECCNs under consideration for removal are those where the license requirements would be redundant with EAR99 items. BIS is still evaluating whether it may be possible to remove some or all of the ''xY999'' ECCNs on the CCL that may have redundant license requirements with EAR99 items.

(E) Addition of ''Related Controls'' To Aid in Classification

Most ECCNs on the CCL contain a ''related controls'' paragraph in the List of Items Controlled section that provides cross references to related ECCNs to assist the public in classifying items that are subject to the EAR. In some ECCNs, the ''related controls'' paragraph also includes cross-references to the export controls other U.S. Government agencies administer.

The November 29 rule proposed adding a number of additional ''related controls'' paragraphs or revising existing ''related controls'' paragraphs to assist the public in classifying items. This final rule implements those changes, along with certain additional ''related

controls'' changes in response to BIS's review of the public comments. In the November 29 proposed rule, BIS advised that in responding to the proposed rule, the public may also provide suggestions for additional ''related controls'' that would assist the public in classifying items. This final rule is revising the ''related controls'' paragraphs in the following twelve ECCNs: 1A985, 1B117, 1B118, 1B119, 1B225, 1C117, 1C233, 2B105, 2B116, 3A230, 7A103 and 9B009 that were proposed in the November 29 rule. In addition, as a result of the review of public comments, this final rule is also revising the ''related controls'' paragraphs in the following three ECCNs: 2A226, 2A292 and 2B350 as follows:

ECCN 2A226. Commenter No. 9 suggested adding ECCN 2B999 to the ''related controls'' paragraph of 2A226. This commenter noted that 2A226 references other valve ECCNs (2A292 and 2B350), but has no reference to 2B999. BIS agrees that adding 2B999 would be helpful, so this final rule is implementing this change.

ECCN 2A292. Commenter No. 9 suggested adding ECCNs 2B350 and 2B999 to the ''related controls'' paragraph of 2A292. This commenter noted 2A292 references to one other valve ECCN (2A226), but has no reference to 2B350 or 2B999. BIS agrees that adding 2B350 and 2B999 would be helpful, so this final rule is implementing this change.

ECCN 2B350. Commenter No. 9 suggested adding ECCNs to the ''related controls'' paragraph of ECCN 2B350 instead of using N/A. The commenter was concerned that the use of ''N/A'' may lead you to mistakenly conclude that there are no applicable technology ECCNs or any other potential valve ECCNs. BIS agrees that adding ECCNs 2A226, 2A292, 2A293, 2B231 and 2B999 to the ''related controls'' paragraph of 2B350 would be helpful, so this final rule is implementing this change.

ECCN 2B999. Commenter No. 9 suggested adding ECCNs 2A226 and 2A292 to the ''related controls'' of 2B999. This commenter noted that 2B999 refers to a number of other ECCNs, including 2B350, but it does not refer to the other valve ECCNs (2A226 and 2A292). BIS does not accept this change because it is clear within the context of this ECCN 2B999 that the only valves that are controlled are those referenced in the long list of ''items.'' BIS is also still evaluating whether it may be possible to remove 2B999, along with similar ''xY999'' ECCNs on the CCL that have redundant license requirements with EAR99 items. Additional analysis is needed, however, before any such ''xY999'' ECCNs can be removed from the CCL, as noted above.

Commenter No. 9 also suggested BIS conduct a review of all the ''related controls'' on the CCL to identify additional changes to make and address inconsistencies. This commenter recommended BIS review the ''related controls'' section of each ECCN in Groups A, B or C to identify all related ECCNs. The ''related controls'' then should be updated accordingly to include similar ECCNs of Groups A, B or C as well as the applicable software and technology ECCNs of Groups D and E. BIS agrees that regular review of the ''related controls'' paragraphs should be conducted. BIS has already conducted a review of all the ''related controls'' paragraphs on the CCL, and these are the changes that were proposed in the November 29 rule. In evaluating the comments received in response to the November 29 proposed rule, BIS also identified additional ''related controls'' changes that are being implemented in this final rule, as described above for ECCNs 2A226, 2A292, and 2B350. BIS will continue conducting regular reviews of the ''related controls'' paragraphs and make updates as necessary on the CCL. Note, however, that although the ''related controls'' paragraphs are a useful tool for classifying related items under the CCL, the ''related controls'' paragraphs are not exhaustive or determinative of an item's control status. They are not part of the control text for a specific ECCN. Related controls are a method of identifying other ECCN entries that may be applicable to a particular item, including highlighting in certain cases when a related item may be subject to the exclusive jurisdiction of another agency of the U.S. Government. However, to determine whether an item is classified under another entry on the CCL or another control list, such as the Nuclear Trigger List or the United States Munitions List (USML), a person classifying an item should review the other ECCN or other control lists as applicable to determine the jurisdictional and classification status of a particular item.

Supplement No. 4 to part 774—Commerce Control List Order of Review—was added to the EAR in the initial implementation rule, and identifies the proper order of review for reviewing the CCL.

ECCNs 7A005 and 7A994. This final rule also revises the ''related controls'' paragraphs in ECCNs 7A005 and 7A994 and includes the substance of the amended related control paragraph as a new ''license requirement note'' in 7A994. This change will clarify the relationship between 7A005 and 7A994 and provide guidance on the appropriate classification for GPS equipment. The added text in 7A005 and 7A994 will alert persons classifying GPS items that ''typically commercially available GPS do not employ encryption or adaptive antenna and are classified as 7A994.'' BIS did not receive any comments on this change, so BIS is implementing this change, as proposed, in this final rule.

(F) Addition of the Term ''subject to the ITAR'' to the EAR.

This final rule adds the term ''subject to the ITAR'' to § 772.1 (Definitions of terms as used in the EAR). This defined term is added to parallel the use of the term ''subject to the EAR'' that is commonly used in the EAR, along with simplifying many of the references to the export jurisdiction of the Department of State that are included in the EAR. The vast majority of these references to the export control jurisdiction of the Department of State are on the CCL. This final rule will therefore add the following definition of ''subject to the ITAR'' in § 772.1:

A term used in the EAR to describe those commodities, software, technology (e.g., technical data) and defense services over which the U.S. Department of State, Directorate of Defense Trade Controls (DDTC) exercises regulatory jurisdiction under the International Traffic in Arms Regulations (ITAR) (see 22 CFR 120–130).

This final rule makes conforming changes to the rest of the EAR, including several ECCNs and §§ 734.4 (*De minimis* U.S. content), 734.6 (Assistance available from BIS for determining licensing and other requirements), and 740.6 (Technology and software under restriction (TSR)), by adding ''subject to the ITAR'' where the export control jurisdiction of the Department of State is referenced. In addition to making the conforming change in § 734.6, this rule revises the references to the ITAR to clarify that, in order to determine whether an item is ''subject to the ITAR,'' you should review the ITAR's United States Munitions List (see 22 CFR §§ 120.6 and 121.1). If the item is within the scope of a USML category, then the item is a defense article subject to the ITAR. If it is not, then it is not subject to the ITAR. The revised text also clarifies that you may also submit a request to the Department of State, Directorate of Defense Trade Controls, for a formal jurisdictional determination regarding

the commodity, software, technology, or activity at issue (see 22 CFR § 120.4). BIS did not receive any comments on this change, so BIS is implementing this change, as proposed, in this final rule.

(H) Addition of Paragraph To Clarify the Jurisdiction of Items Subject to the EAR When Sold, Leased or Loaned by the Department of Defense to a Foreign Country or International Organization Under the Foreign Military Sales (FMS) Program

This final rule adds a new paragraph (b)(1)(vi) to § 734.3, which identifies items subject to the EAR. This new paragraph was not proposed in the November 29 rule, but the change is being made in this final rule as a clarification to the addition of § 734.3(e) in the initial implementation final rule published on April 16, 2013. While not effective until October 15, 2013, § 734.3(e) specifies that items subject to the EAR may be exported, reexported, or transferred in country under licenses, agreements, or other approvals from the Department of State's Directorate of Defense Trade Controls pursuant to §§ 120.5(b) and 126.6(c) of the International Traffic in Arms Regulations (ITAR) (22 CFR 120.5(b) and 126.6(c)) or under actions made by the Department of State's Office of Regional Security and Arms Transfers.

New paragraph (b)(1)(vi) clarifies that items that would otherwise be subject to the EAR and that are sold, leased or loaned by the Department of Defense to a foreign country or international organization under the Foreign Military Sales (FMS) Program of the Arms Export Control Act, pursuant to a Letter of Offer and Acceptance (LOA) authorizing such transfers, are *not* ''subject to the EAR'' but rather, are subject to the authority of the Arms Export Control Act. New paragraph (b)(1)(vi) clarifies that the terms and conditions of the LOA would govern the export, reexport, or other transfer of the items. Lastly, because the heading for new paragraph (b)(1)(vi) refers to the Department of Defense (DoD) and Department of State, BIS is adding a cross reference from new paragraph (b)(1)(vi) to paragraph (b)(1)(i), along with a cross reference from (b)(1)(i) to (b)(1)(vi).

(I) Corrections and Minor Clarifications to Existing CCL Text and Proposed Text Included in the November 29 Proposed Rule

The November 29 rule also included minor corrections and clarifications to the CCL, such as to correct certain misspellings and typographical errors and make other minor updates to the CCL. BIS did not receive any comments on these changes, so BIS is implementing these changes, as proposed, in this final rule for the following two ECCNs: 6C992 and 9B002.

In the public comments received in response to the November 29 rule, the public identified some additional corrections or minor clarifications that should be made to existing CCL text or to some of the proposed text included in the November 29 rule. BIS has accepted some of these suggested changes, so BIS is implementing these changes in this final rule for the following ECCNs: 1C002 (to correct a formatting error in 1C002.c.1.a where ''10^9'' was incorrectly proposed as ''109''); 2B352 (to correct a formatting error in 2B352.d.2 where ''(0.2 m^2)'' was incorrectly proposed as ''(0.2 m2)''); 9E003 (to insert an omitted ''Related Controls) paragraph number (2)''); and 1A002 (to remove an extra ''and'' that was not needed and modify the punctuation).

Commenter No. 8 suggested that the heading of 1A002 should also end in the word ''therefor.'' BIS does not accept this change because the current entry is consistent with the Wassenaar Arrangement WA dual-use list entry 1.A.2. In addition, the term is not needed in the context of this entry.

ECCN 5A991 (and similar changes to 5A001, 6A008 and 7A005). This rule changes the spelling of the word ''antennae'' in the ''items'' paragraph (f) of 5A991. This term should be spelled as ''antennas'' to reflect common American English usage in this ECCN. BIS also accepted Commenter No. 8's suggestion that a review should be conducted of the entire CCL to identify any additional places where this same issue occurs and standardize this usage. BIS identified five other references on the CCL where this correction needs to be made: ECCN 5A001.d and the Note to 5A001.d; ECCN 6A008 in the decontrol note for (PAR), 6A008.e; and ECCN 7A005 in the Note to 7A005.b. This final rule is implementing these additional five corrections to address this incorrect word usage on the CCL.

This final rule does not implement the related change to the ''unit'' paragraph of 5A001 because the ''unit'' paragraph will no longer be used in ECCNs under the simplified structure being implemented in this rule for calculating shipping tolerances under the EAR. As described below, this final rule removes all ''unit'' paragraphs from the CCL, so the proposed change to the ''unit'' paragraph of 5A001 is no longer required, along with any proposed changes to the ''unit'' paragraph that was included in the November 29 rule.

(2) Changes To Conform the CCL to the Multilateral Export Control Regime Control Lists and Previous Amendments to the EAR

This final rule is also making the following changes to conform the CCL to the multilateral export control regime control lists and to conform the CCL to the intent of past amendments to the EAR. These are cases where a previous amendment to the EAR was intended to effect a change, but the change was not implemented as intended, or where a conforming change should have been made to the CCL, but was inadvertently not made. In general, the public did not raise specific concerns regarding the changes described under this heading (2). The comments that were received highlighted additional specific examples that also warranted attention in the final rule: Commenter No. 8, as was discussed above under heading (1)(B)(*Clarifying the use of the terms ''parts'' and ''components'' on the CCL*), raised a concern that the proposed changes were not consistent with the multilateral export control regimes and that a regime change proposal would need to be approved before BIS implemented such changes to multilateral-based ECCNs, such as those controlled by the Wassenaar Arrangement. BIS does not agree with this comment for the reasons discussed above under heading (1)(B). BIS considered discussing these two comments here, but because the ''parts'' and ''components'' changes were described above under heading (1)(B), BIS decided to also include these two comments under the earlier discussion to group them with the other comments and BIS responses on the ''parts'' and ''components'' changes being implemented in this final rule.

(A) Conforming Changes for Limitations on Use of TSR for Wassenaar Very Sensitive List Items

In implementing its commitment to exercise vigilance in the licensing of items listed on the Wassenaar Very Sensitive List, the United States has limited the use of License Exception TSR to a list of specifically identified countries for certain ECCNs. These limitations are contained in the TSR paragraph in the License Exception section of nine ECCNs (i.e., ECCNs 1E001, 5D001, 5E001, 6D001, 6D003, 6E001, 6E002, 8D001 and 8E001) that control items on the Wassenaar Very Sensitive List and for which TSR has been authorized for some, or all of the ECCN.

The TSR paragraph limitation was introduced in 1998, upon

implementation of the Wassenaar Arrangement (63 FR 2452), with a list of sixteen destinations eligible for TSR for Wassenaar Very Sensitive List items. Approximately one year later, Japan was added to the TSR paragraph limitation (64 FR 10852). In 2008, Australia and Norway were added to the TSR paragraph in ECCN 1E001, with the explanation that their original exclusion had been an oversight. Australia and Norway were not added to the other TSR paragraphs with Wassenaar Very Sensitive List limitations, creating an inconsistency.

This final rule adopts a standardized list of countries under the EAR for the nine ECCNs. The use of this standardized list of countries simplifies the use of the TSR License Exception for these nine ECCNs and aid the public's understanding regarding which countries are eligible and not eligible to receive National Security (NS) controlled technology under these nine ECCNs. Commenter No. 7 supported the proposed change. BIS has recently determined that the thirty-six countries listed in License Exception Strategic Trade Authorization, Section 740.20(c)(1) of the EAR, are eligible for License Exception authorization for Wassenaar Very Sensitive List items. These 36 countries are: Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, South Korea, Spain, Sweden, Switzerland, Turkey, and the United Kingdom. This final rule revises the list of countries in the TSR paragraph for the nine ECCNs to state ''those countries listed in § 740.20(c)(1) (License Exception STA).'' The 17 countries (19 countries in 1E001) that were previously identified as being eligible for License Exception TSR under these ECCNs were a subset of the 36 STA-eligible countries. Therefore, this final rule adds the remaining 19 countries, except for 1E001 where this final rule adds the remaining 17 countries, as eligible countries to receive this type of technology through application of License Exception TSR under these ECCNs.

(B) ECCN Changes To Conform to the Multilateral Export Control Regimes

Commenters No. 5 and 7 noted they supported what they said was the ''BIS'' effort to conform the CCL to multilateral export control regime control lists. Commenter No. 7 also noted they appreciated all the changes to make CCL language consistent with the MTCR, but they requested confirmation that their understanding of the intent and scope of the following proposed changes in the November 29 rule is correct: ''missiles'' is replaced with rockets, missiles and UAVs to ensure Category 1 and 2 UAVs are captured; only UAV range is specified in 1A101 and 9D105 to capture Category 1 and 2 MTCR items; UAV and payload are specified in 1D103 to only capture Category 1 subsystems; and UAVs are not included in 7E104 because the MTCR Annex is specific to optimization of rocket system trajectory, and does not include a control related to UAVs. Commenter No. 7's description of the intent and scope of these changes from the November 29 rule is correct. BIS received no other comments regarding these proposed changes, so BIS is implementing these changes, as proposed, in this final rule.

ECCN 1A101. This final rule amends 1A101 by replacing the term ''missiles'' in the heading with the phrase ''rockets, missiles, or unmanned aerial vehicles capable of achieving a ''range'' equal to or greater than 300 km'' to conform to the Missile Technology Control Regime (MTCR) Annex. BIS did not receive any comments on this change, so BIS is implementing this change, as proposed, in this final rule.

ECCN 1D103. This final rule amends 1D103 by replacing the term ''missiles'' in the heading with the phrase ''rockets, missiles, or unmanned aerial vehicles capable of delivering at least a 500 kg payload to a ''range'' equal to or greater than 300 km'' to conform to the MTCR Annex. BIS did not receive any comments on this change, so BIS is implementing this change, as proposed, in this final rule.

ECCN 1E001. This final rule amends 1E001 by removing ECCN 1A008 from the heading and NS controls paragraph. This change is made to conform to the Wassenaar Arrangement List of Dual-Use Goods and Technologies that does not extend to technology for 1A008. This change was not proposed in the November 29 rule, but was identified by BIS as an additional change that needed to be implemented to conform to the Wassenaar Arrangement. Therefore, BIS is implementing these changes in this final rule.

ECCNs 2E001 and 2E002. Commenter No. 6 suggested expanding the scope of the exclusion in the headings in 2E001 and 2E002 by adding ECCN 2B999 to the list of commodities controlled in 2B that are not within the scope of 2E001 and 2E002. To support their position, this commenter noted that 2E001 and 2E002 control ''technology'' for all isostatic presses, regardless of capability. They further noted that even commercial MIG welders and industrial sewage pumps (e.g., ECCNs 2B999.d and 2B999.j) are thus controlled. Commenter No. 6 asserted that given 2E001 and 2E002 are generally associated with high levels of control, there may be confusion when ''production'' ''technology'' for a MIG welder is classified 2E001, but the commodity is classified under an AT-only control. BIS agrees with Commenter No. 6 and is implementing these two changes in this final rule. The change being implemented in the final rule will exclude technology for 2B999, but the overall impact on the number of licenses received by BIS is expected to be minimal.

ECCN 5D101. This final rule amends 5D101 by removing the term ''items'' from the heading and adding the term ''equipment'' in its place. This rule will make this change to be consistent with the MTCR Annex. BIS did not receive any comments on this change, so BIS is implementing this change, as proposed, in this final rule.

ECCNs 6A002 and 6A003. This final rule amends 6A002 and 6A003 by correcting a spelling error in the headings of these two ECCNs to remove the term ''therefore'' and replace it with ''therefor.'' These changes are being made to conform to the Wassenaar Arrangement List of Dual-Use Goods and Technologies that uses the term ''therefor'' for both of these entries. These two changes were not proposed in the November 29 rule, but were identified by BIS as additional changes that needed to be implemented to conform to the Wassenaar Arrangement. Therefore, BIS is implementing these changes in this final rule.

ECCN 6D102. This final rule amends 6D102 by removing the term ''goods'' from the heading and adding the term ''equipment'' in its place. This rule makes this change to be consistent with the MTCR Annex. BIS did not receive any comments on this change, so BIS is implementing this change, as proposed, in this final rule.

ECCN 6D994. This final rule removes 6D994 to conform to a previous amendment to the EAR that imposed a control for these same items under 6D003.c. BIS's intention when 6D994 was added to the CCL was to impose a control on this software until a control could be approved at the Wassenaar Arrangement and implemented in the EAR. When the final rule to add this software to 6D003.c was published, the intention was to remove 6D994. However, this entry was inadvertently retained at the time 6D003.c was added to the CCL, which may have caused

confusion for exporters trying to classify this type of software because the software meets the description of two software ECCNs. To address this oversight, this final rule removes 6D994 from the CCL, leaving 6D003.c as the control ECCN. BIS did not receive any comments on this change, so BIS is implementing this change, as proposed, in this final rule.

ECCN 7D101. This final rule amends 7D101 by revising the heading to include 7A117 in the list of ECCNs for which 7D101 controls the software. 7A117 is a reference to a USML control based on the MTCR Annex. 7D101 controls the software of certain commodities controlled for MT reasons. This change is made to conform to the MTCR Annex. BIS did not receive any comments on this change, so BIS is implementing this change, as proposed, in this final rule.

ECCN 7E104. This final rule amends 7E104 by replacing the term ''missiles'' in the heading with the phrase ''rockets or missiles capable of achieving a ''range'' equal to or greater than 300 km'' to conform to the MTCR Annex. BIS did not receive any comments on this change, so BIS is implementing this change, as proposed, in this final rule.

ECCN 9A107. This final rule amends 9A107 by revising the heading to replace the word ''engines'' with the word ''motors.'' This change is made to conform to the MTCR Annex. BIS did not receive any comments on this change, so BIS is implementing this change, as proposed, in this final rule.

ECCN 9A110. This final rule amends 9A110 by revising the heading to include 9A109 in the list of ECCNs for which 9A110 controls the composite structures, laminates and manufactures thereof. 9A109 is a reference to a USML control based on the MTCR Annex. 9A110 controls the software of certain commodities controlled for MT reasons. This rule also amends 9A110 by replacing the defined term ''missiles'' with the phrase ''rockets, missiles, or unmanned aerial vehicles capable of achieving a ''range'' equal to or greater than 300 km.'' These changes are made to conform to the MTCR Annex. BIS did not receive any comments on these changes, so BIS is implementing this change, as proposed, in this final rule.

ECCN 9A118. This final rule amends 9A118 by inserting the phrase ''missiles, and unmanned aerial vehicles capable of achieving a ''range'' ''equal to or greater than 300 km'' into the heading to conform to the MTCR Annex. Commenter No. 7 identified a typographical error in 9A118 where the word ''of'' was used, but the word ''to'' was intended. BIS accepts this change and is correcting the error in this final rule, so the parameter correctly reads, ''capable of achieving a range equal to or greater than 300 km.''

ECCNs 9B001, 9B002, 9B003 and 9B004. Commenter No. 6 noted that the relationship between these four ECCNs and ECCN 9A001 could be made clearer as it relates to the MT controlled portions of these four ECCNs. This commenter noted that, as currently written, the equipment described in these four ECCNs is controlled for MT reasons if it is applicable to any engine whose characteristics are described in 9A001. However, this commenter suggested that rather than referencing 9A101 obliquely through reference to 9A001 in the MT control(s) paragraphs in 9B001, 9B002, 9B003, and 9B004, BIS should add the following sentence to the MT control(s) paragraph in these four ECCNs: ''MT applies only to equipment for engines that meet the characteristics described in 9A101.'' BIS agrees that revising the MT control(s) paragraph in these four ECCNs would be helpful, but BIS decided to use different control text than to what was proposed by Commenter No. 6. BIS will revise the MT control(s) paragraph in these four ECCNs to indicate that the MT control applies to equipment for engines controlled under 9A001 for MT reasons and for engines controlled under 9A101. These changes are being implemented in this final rule.

ECCN 9B115. This final rule amends 9B115 by revising the heading to include 9A103 in the list of ECCNs for which 9B115 controls the ''production equipment.'' 9A103 is a reference to a USML control based on the MTCR Annex. 9B115 controls the ''production equipment'' of certain commodities controlled for MT reasons. This change is made to conform to the MTCR Annex. BIS did not receive any comments on this change, so BIS is implementing this change, as proposed, in this final rule.

ECCN 9B116. This final rule amends 9B116 by revising the heading to include 9A103 in the list of ECCNs for which 9B116 controls the ''production equipment.'' 9A103 is a reference to a USML control based on the MTCR Annex. 9B116 controls the ''production equipment'' of certain commodities controlled for MT reasons. This change is made to conform to the MTCR Annex. BIS did not receive any comments on this change, so BIS is implementing this change, as proposed, in this final rule.

ECCN 9D103. This final rule amends 9D103 by revising the heading to include ECCNs 9A009, 9A107 and 9A109, and to expand the reference to 9A105 from 9A105.a to the entire ECCN in the list of ECCNs for which 9D103 controls certain ''software.'' ECCNs 9A009, 9A105, 9A107, and 9A109 are references to USML controls based on the MTCR Annex. 9D103 is a reference to a USML control based on the MTCR Annex. This change is made to conform to the MTCR Annex. BIS did not receive any comments on this change, so BIS is implementing this change, as proposed, in this final rule.

ECCN 9D104. This final rule amends 9D104 by revising the heading to include ECCNs 9A006, 9A007, 9A008, 9A009, 9A010, 9A115, 9A116, and 9A106.e in the list of ECCNs for which 9D104 controls the ''software.'' 9A006, 9A007, 9A008, 9A009, 9A010, 9A115 and 9A116 are references to USML controls based on the MTCR Annex. 9A106.e is controlled on the CCL for MT reasons. 9D104 controls the ''software'' of certain commodities controlled for MT reasons. This change is made to conform to the MTCR Annex. BIS did not receive any comments on this change, so BIS is implementing this change, as proposed, in this final rule.

ECCN 9D105. This final rule amends 9D105 by replacing the term ''missiles'' in the heading with the phrase ''rockets, missiles, or unmanned aerial vehicles capable of achieving a ''range'' equal to or greater than 300 km'' to conform to the MTCR Annex. BIS did not receive any comments on this change, so BIS is implementing this change, as proposed, in this final rule.

(3) Structural Changes To Improve the Clarity of the CCL

ECCNs on the CCL follow the same basic paragraph structure, although not all ECCNs contain the same paragraphs. The common paragraph structure is intended to allow the public to quickly review ECCNs and to identify relevant paragraphs in each ECCN. This final rule is implementing changes to the standard section headings that are used in most ECCNs on the CCL. These changes affect most of the ECCNs on the CCL, but are being implemented through instructions instead of setting out each revision in the regulatory text. BIS is making the changes in this manner to save on the cost of implementing these structural changes. BIS's decision also took into account that the changes are not ECCN specific and are more focused on how the ECCN information is being communicated to the public. Each of the structural changes this rule implements improves the clarity of the CCL and is further described below. Commenter No. 6 noted that the clarification and background in the November 29 proposed rule on the placement of the phrase ''(see List of Items Controlled)''

is greatly appreciated, as is the addition of the phrase ''as follows (see List of Items Controlled)'' where necessary. Commenter No. 8 questioned the use of ''as follows'' because they believed it was redundant in ECCNs that also use ''(see List of Items Controlled)'' at the end of the ECCN. BIS agrees that the use of the phrase ''as follows'' in this case is redundant. BIS is, however, not accepting this change in the final rule because ''as follows'' is used on the Wassenaar Arrangement's control lists and because ''(see List of Items Controlled)'' is a CCL convention.

Commenter No. 7 noted they supported the structural changes, such as explicit references to Part 740, License Exceptions, references to Country Chart, and adding Reporting Requirements section to affected ECCNs. This commenter noted that these structural changes will increase understanding of license exceptions and the standardized structure will make it easier for exporters to use and comply with EAR. BIS agrees. Receiving no other comments on these changes, BIS implements these changes, as proposed, in this final rule.

BIS also implements in this final rule these same structural changes to the new ECCNs added in the April 16 (initial implementation) rule and the July 8, 2013 final rule, *Revisions to the Export Administration Regulations: Military Vehicles; Vessels of War; Submersible Vessels, Oceanographic Equipment; Related Items; and Auxiliary and Miscellaneous Items that the President Determines No Longer Warrant Control under the United States Munitions List* (July 8 (implementation) rule) (78 FR 22660). These are not corrections to the initial implementation rule and the July 8 (implementation) rule, but rather are conforming changes being made as a result of the changes included in this final rule. This final rule also includes clarifications to the April 16 (initial implementation) rule that are not limited to conforming changes with this final rule, but those are described below under (6) *Clarifications to the April 16 (initial implementation) rule.*

Although the November 29 proposed rule was published before the initial implementation rule and the July 8 (implementation) rule, those final rules were published without the structural changes described here. At the time of publication of those final rules, their new ''600 series'' ECCNs were consistent with the existing structure of the CCL. This final rule makes these structural changes to the ECCNs added in those two rules and adopts them for all subsequent rules that add new ECCNs described here.

This final rule also includes clarifications to the April 16 (initial implementation) rule that are not limited to conforming changes with this final rule. These changes are described below under the heading ''(6) *Clarifications to the April 16 (initial implementation) rule.''*

(A) Revision of License Exceptions Section Heading

This final rule revises the License Exceptions section heading to add greater specificity. Specifically, this rule revises the section heading by changing it from ''License Exceptions'' to the more specific section heading of ''List-Based License Exceptions (See Part 740 for a description of all license exceptions).'' This rule also adds a parenthetical after the revised section heading to provide a cross reference to the license exceptions part of the EAR. This rule adds this cross reference because a definitive determination of whether a license exception may be used for a specific ECCN can only be made after also reviewing the applicable license exception provisions in part 740 of the EAR. BIS did not receive any comments on this change, so BIS is implementing this change, as proposed, in this final rule.

This final rule also makes this change to the following ECCNs: 9A610, 9A619, 9B610, 9B619, 9C610, 9C619, 9D610, 9D619, 9E610, and 9E619, as added in the April 16 (initial implementation) rule (78 FR 22718), which goes into effect on October 15, 2013. In addition, this final rule makes this change to the following ECCNs: 0A606, 0A617, 0B606, 0B617, 0C606, 0C617, 0D606, 0D617, 0D617, 0E606, 0E617, 8A609, 8A620, 8B609, 8B620, 8C609, 8D609, 8D620, 8E609, and 8E620, as added July 8 (implementation) rule (78 FR 40892), which goes into effect on January 6, 2014.

(B) Removal of the License Exception STA Paragraphs

In order to implement the changes described above under (A) *Revision of License Exceptions section heading,* this final rule is also removing the License Exception STA paragraph in the License Exceptions section of the following seventy-nine ECCNs: 0A606, 0A617, 0B606, 0B617, 0C606, 0C617, 0D606, 0D617, 0D617, 0E606, 0E617, 1A002, 1C001, 1C007, 1C010, 1C012, 1D002, 1E001, 1E002, 2D001, 2E001, 2E002, 3A002, 3B001, 3D001, 3E001, 4A001, 4D001, 4E001, 5A001, 5B001, 5D001, 5E001, 6A001, 6A002, 6A003, 6A004, 6A006, 6A008, 6B008, 6D001, 6D003, 6E001, 6E002, 7D003, 7E001, 7E002, 8A001, 8A002, 8A609, 8A620, 8B609, 8B620, 8C609, 8D001, 8D002, 8E001, 8E002, 8D609, 8D620, 8E609, 8E620, 9A610, 9A619, 9B001, 9B610, 9B619, 9C610, 9C619, 9D001, 9D002, 9D004, 9D610, 9D619, 9E001, 9E002, 9E003, 9E610, and 9E619. This rule moves the text of those License Exception STA paragraphs to a new section titled ''Special Conditions for STA.'' This rule is creating this new section immediately following the proposed ''List-Based License Exceptions (See Part 740 for a description of all license exceptions)'' instruction because the License Exception STA paragraphs do not perform the same function as the other list-based license exception paragraphs. This rule is not implementing any changes to the regulatory text included in the current License Exception STA paragraphs of these ECCNs. These STA changes include the thirty ''600 series'' ECCNs referenced above (0A606, 0A617, 0B606, 0B617, 0C606, 0C617, 0D606, 0D617, 0D617, 0E606, 0E617, 8A609, 8A620, 8B609, 8B620, 8C609, 8D609, 8D620, 8E609, 8E620, 9A610, 9A610, 9B610, 9B619, 9C610, 9C619, 9D610, 9D619, 9E610 and 9E619) that were not included in the November 29 proposed rule, but are now included because ten of these ECCNs were published in the initial implementation rule and will be in the EAR on the effective date of this final rule, and the other twenty have been published in the July 8 (implementation) rule. The July 8 (implementation) rule is not effective until January 6, 2014, but the changes being implemented in this rule will align these twenty ''600 series'' ECCNs with structural changes being made to the ECCN headings when that rule does become effective. The changes implemented in this rule are limited to adding a new section heading and moving the existing License Exception STA paragraphs in these seventy-nine ECCNs to the new STA section heading. BIS did not receive any comments on this change, so BIS is implementing this change, as proposed, in this final rule.

(C) Adding a Cross-Reference After Country Chart

This final rule is revising the ''Country Chart'' paragraph heading in the License Requirements section to add a parenthetical to indicate where the public can find the Country Chart. The revised Country Chart paragraph heading will now read ''Country Chart (See Supp. No. 1 to part 738).'' Not all ECCNs include a Country Chart paragraph and a small number of ECCNs do not rely on the Commerce Country Chart for determining destination-based

license requirements. Most ECCNs, however, are structured to refer to the information contained in the Country Chart paragraph in Supplement No. 1 to part 738 to identify destination-based license requirements. The changes in this rule will clarify that for the ECCNs that use this structure, exporters, reexporters and transferors need to refer to the Country Chart in Supplement No. 1 to part 738 to determine destination-based license requirements. For experienced exporters, reexporters, and transferors, this structure is well understood. The new cross references are primarily intended for those exporters, reexporters, and transferors who are new to the EAR and who may not as readily understand the relationship between this standard ECCN paragraph and Supplement No. 1 to part 738. The new parenthetical phrase at the end of the Country Chart paragraph will make the relationship explicit. BIS did not receive any comments on this change, so BIS is implementing this change, as proposed, in this final rule.

This final rule also makes this change to the following ECCNs: 9A610, 9A619, 9B610, 9B619, 9C610, 9C619, 9D610, 9D619, 9E610, and 9E619, as added in the April 16 (initial implementation) rule (78 FR 22718), which goes into effect on October 15, 2013. In addition, this final rule also makes this change to the following ECCNs: 0A606, 0A617, 0B606, 0B617, 0C606, 0C617, 0D606, 0D617, 0D617, 0E606, 0E617, 8A609, 8A620, 8B609, 8B620, 8C609, 8D609, 8D620, 8E609, and 8E620, as added July 8 (implementation) rule (78 FR 40892), which goes into effect on January 6, 2014.

(D) Adding a New ''Reporting Requirements'' Section to Certain ECCNs

Some ECCNs include references to reporting requirements, which are typically found either in License Requirement notes or in notes to the ''items'' paragraphs in the List of Items Controlled section. BIS has adopted a standardized paragraph structure for ECCNs, as much as possible, to assist the public in classifying items. A standardized paragraph structure helps the public classify items by putting the information contained in an ECCN into a useable and easily recognizable format. The current reporting requirements, which are found in various sections and paragraphs of the individual ECCNs, deviate from this type of standardized structure. To address this issue, this final rule is adding a new section heading called Reporting Requirements where the existing reporting requirements found in ECCNs will be consolidated. This rule is not making any changes to the scope of current reporting requirements. This standardized structure will aid in compliance with the reporting requirements and assist exporters in more quickly and easily identifying ECCNs subject to reporting requirements. The rule is adding the new Reporting Requirements section heading immediately before the License Exceptions section.

To implement this change in Supplement No. 1 to part 774 (the Commerce Control List), this final rule removes the ''License Requirements Notes'' paragraphs in the License Requirements section in the following forty-three ECCNs: 1A002, 1C007, 1C010, 1D002, 1E001, 1E002, 2B003, 2D001, 2E001, 2E002, 3A002, 3B001, 3D001, 3E001, 4A001, 4E001, 5A001, 5B001, 5D001, 5E001, 6A001, 6A002, 6A003, 6A004, 6A006, 6A008, 6B008, 6D001, 6D003, 6E001, 6E002, 8A001, 8A002, 8D001, 8D002, 8E001, 8E002, 9B001, 9D001, 9D002, 9E001, 9E002 and 9E003. In forty-two of these ECCNs and in six additional ECCNs: 1C001, 4D001, 7D002, 7D003, 7E001, 7E002, this rule adds the new section entitled ''REPORTING REQUIREMENTS See § 743.1 of the EAR for reporting requirements for exports under License Exceptions, Special Comprehensive Licenses, and Validated End-User authorizations'' after the License Requirements section in each of these respective ECCNs. BIS is adding the ''REPORTING REQUIREMENTS'' paragraph to ECCNs 1C001, 4D001, 7D002, 7D003, 7E001 and 7E002 to alert exporters that reporting requirements were imposed on these ECCNs in the April 16 (initial implementation) rule through the changes to § 743.1 and the addition of the Wassenaar Arrangement Sensitive and Very Sensitive Lists as Supplements Nos. 6 and 7 to Part 774. In ECCN 6A003, this rule adds a Reporting Requirement section with a more detailed statement describing the specific reporting requirement applicable to that ECCN. This rule also changes the new Reporting Requirements section to ensure that the text conforms to the listing of authorizations in § 743.1 that require reporting to BIS. Lastly, this rule removes the License Requirement Note in 3B001, but does not add a Reporting Requirements section because 3B001 is not identified in § 743.1, so the reference is no longer needed.

Commenter No. 8 requested that additional explanation be provided regarding the role of other License Requirements Notes on the CCL and whether such notes should be renamed to better reflect their role in those ECCNs. This commenter noted that unlike other elements of an ECCN, the EAR does not address what significance exporters should give such notes when interpreting an ECCN. This commenter noted that it would stand to reason that these notes are commentary relevant to ''License Requirements'' section. That section, however, addresses reasons why export of an item might require a license, whereas notes often purport to address substantive scope of an ECCN. BIS does not believe any additional renaming of the License Requirements Notes is needed at this time, but BIS will continue to review this issue as an additional option for making the CCL clearer. At this time, the License Requirements Notes tend to have an ECCN-specific meaning, typically describing in greater detail the scope of the ECCN or the license requirements applicable to a specific ECCN.

Commenter No. 8 also provided the example of the License Requirement Note 1 to 1C351, which states that certain medical products containing most ECCN 1C351 toxins are excluded from 1C351, to illustrate his concern and request for guidance. Commenter No. 8 asserted that this creates the impression 1C351 would control medical products containing some toxins listed in that ECCN, or possibly even other items covered by 1C351. The ''items'' paragraph of 1C351, however, covers only stand-alone viruses, bacteria, toxins and fungi. The EAR require that all items controlled under a given ECCN be set out in a positive list in the ''items'' paragraph, but ECCN 1C351's ''items'' paragraph does not identify any item that contains a toxin, virus, etc., contrary to the implication created by License Requirement Note 1. The commenter also contended that BIS takes the position that ECCN 1C351 does control items containing such ECCN 1C351 items. In addition to the general response above on the comment for renaming the License Requirements Notes, BIS provides this specific guidance on the meaning of the License Requirement Note in 1C351. The License Requirement Note is explicit regarding what is excluded from 1C351 and what is classified as 1C991 by specifying in the last sentence of the License Requirement Note that ''vaccines, immunotoxins, certain medical products, and diagnostic and food testing kits excluded from the scope of this entry are controlled under ECCN 1C991.'' Other products may be 1C351, such as tissue samples that have pathogens. However, if this person or

any other person has a question regarding the classification of a particular material or the applicability of a License Requirements Note, he or she may submit a commodity classification request to BIS using the SNAP–R online submission system. BIS did not receive any other comments on this change, so BIS is implementing it, as proposed, in this final rule.

(E) *Section 738.2(d)(2)(Reading an ECCN).* Commenter No. 8 noted that the explanations in the November 29 proposed rule of the relationship between the heading of an ECCN and its ''items'' paragraph, and the significance of the placement of the phrase ''(see List of Items Controlled)'' in the heading, are at odds with the instructions on reading an ECCN in § 738.2(d)(2) of the EAR. Section 738.2(d)(2) states that the ''items'' paragraph in the List of Items Controlled section is the list of items controlled under that ECCN and that if the header is a complete list, the ''items'' paragraph consists solely of a note directing the reader to review the heading.

BIS accepts this comment and revises § 738.2(d)(2) of the EAR to address the commenter's concerns, and adds new paragraphs (d)(2)(iv)(C)(1), (2), and (3) to provide examples of the three different uses of the phrase ''(see List of Items Controlled)'' in ECCN headings. Understanding the relationship between the heading and the ''items'' paragraph is important when classifying items that are ''subject to the EAR'' on the CCL and these examples will assist the public's understanding of these provisions of the EAR. These revisions reflect that the ECCN heading is a list of the items controlled in the ECCN and that the ''items'' paragraph in the List of Items Controlled section will completely describe portions of the ECCN heading subject to control if the phrase ''(see List of Items Controlled)'' is in the heading. If the phrase ''(see List of Items Controlled)'' does not appear in the heading, the heading is complete. An example of such a heading is ECCN 4E980 ''[t]echnology'' for the ''development,'' ''production'' or ''use'' of commodities controlled by 4A980. ECCNs 0A982, 3A292, 5D101, 8D001, and 9A002 are other examples where the heading is the exclusive description of the items classified under those respective ECCNs.

If the phrase ''(see List of Items Controlled)'' appears at the end of the heading, the ''items'' paragraph in the List of Items Controlled section is a complete, exclusive description of the items controlled under that ECCN and the heading is merely for reference purposes. An example of an ECCN where all of the heading text precedes the phrase ''(see List of Items Controlled)'' is ECCN 8A002 Marine systems, equipment, ''parts'' and ''components,'' as follows (see List of Items Controlled). ECCNs 1A001, 3A001, 6A001, 7A004, and 9A012 are other examples where all of the heading text precedes the phrase ''(see List of Items Controlled).''

If the phrase ''(see List of Items Controlled)'' appears in the middle of the heading, the ''items'' paragraph in the List of Items Controlled section is a description of the items controlled under that ECCN for the portion of the heading that preceded the phrase. However, any portion of the heading that follows the phrase ''(see List of Items Controlled)'' is to be read in addition to the ''items'' paragraph. An example of such a heading is ECCN 2B992 Non-''numerically controlled'' machine tools for generating optical quality surfaces, (see List of Items Controlled) and ''specially designed'' ''parts'' and ''components'' therefor. ECCNs 1A006, 3B992, 4A001, 6A006, and 7A001 are other examples where the phrase ''(see List of Items Controlled)'' appears in the middle of the ECCN heading. BIS has identified seven additional ECCNs that require the phrase ''(see List of Items Controlled)'' in the ECCN headings: 1C350, 1C355, 1C992, 2A991, 3B992, 5A992, and 9A004. In each of these ECCNs, the heading is not a complete description of the items controlled under that ECCN and the ''items'' paragraph of the List of Items Controlled section details the items controlled. Therefore, BIS implements the changes suggested by the commenter in this final rule.

(F) Addition of Guidance on the Use of Quotation Marks on the CCL

In addition to the changes described below for § 774.1, this final rule also revises this section to add a new paragraph (d) entitled *Conventions related to the use of quotation marks on the CCL.* This new paragraph provides guidance on the use of quotation marks on the CCL. This guidance is not a substantive change to the CCL and is limited to providing guidance on BIS's current practice as it relates to the use of quotation marks on the CCL. BIS did not propose this in the November 29 proposed rule, but identified this as an additional non-substantive clarification that could be made to the CCL. Therefore, BIS is implementing this change in this final rule.

As background for this new guidance, part 772 includes definitions for terms used in the EAR. Throughout the EAR, but most prevalent in the CCL, BIS uses the convention of double quotes to identify terms that are defined in part 772. If a term on the CCL uses double quotes, it means it is a defined term in part 772. However, the absence of double quotes does not mean that a term used on the CCL is not defined in part 772. Because the CCL includes many terms that are defined in part 772, BIS's practice is to use double quotes for certain defined terms and when it is needed for consistency with multilateral export control regime based entries, such as many derived from control lists, in particular for the Wassenaar Arrangement that also uses the double quotes convention. However, because of the large number of defined terms used on the CCL and a desire to avoid hindering readability by placing quotes around too many terms used in particular ECCNs, BIS's practice is to not add double quotes around certain terms, such as items and commodities.

The CCL also includes a convention regarding the use of single quotes. Single quotes on the CCL identify a term as a defined term in the context of a particular ECCN. However, even within BIS or other parts of the U.S. Government these conventions as they relate to the use of quotes can sometimes become more complex than needed. As a longer term project, BIS intends to conduct a review on the use of quotation marks on the CCL and in the larger EAR to determine if a simpler approach could be developed, such as possibly eliminating the use of double quotation marks to avoid the incorrect negative inference that the only defined terms are those with double quotation marks. The opposite end of the spectrum would be to add quotes around all defined terms, but that would hinder the readability of the CCL.

The use of quotation marks on the CCL is intended to be an aid to alert the reader to terms used on the CCL that are defined in part 772. In this sense the quotes are helpful, but a good compliance practice is to familiarize yourself with part 772 and the terms that are defined there, and when reviewing a control parameter on the CCL that uses a term that is not in quotes to be aware it may be defined in part 772.

(4) Removal of Fourteen ECCNs Subject to the Exclusive Jurisdiction of the Nuclear Regulatory Commission (NRC)

(A) Removal of Fourteen ECCNs

In the November 29 proposed rule, BIS proposed removing fourteen ECCNs to eliminate certain cross-references to controls that are under the exclusive jurisdiction of other agencies. The

current CCL includes forty-nine ECCNs that refer to items that are subject to the exclusive jurisdiction of the Department of Energy (DOE), the NRC, or the Department of State. They constitute approximately 10% of the total number of ECCNs on the CCL. Of the forty-nine ECCNs, fourteen are subject to the export licensing authority of the NRC at 10 CFR part 110. This final rule is removing these fourteen ECCNs from the CCL. The fourteen ECCNs are 0A001, 0B001, 0B002, 0B003, 0B004, 0B005, 0B006, 0C001, 0C002, 0C004, 0C005, 0C006, 0C201 and 1C012. These ECCNs are Nuclear Trigger List items, so the jurisdiction of these items is already established under U.S. export controls and, as explained below, there is no need to include this additional cross reference from the CCL to the controls maintained by the Nuclear Regulatory Commission.

BIS's original purpose for including these ECCNs on the CCL was to supplement § 734.3 *(Items subject to the EAR)* under paragraph (b)(1), which describes items that are not subject to the EAR because they are subject to the exclusive jurisdiction of another agency of the U.S. Government, and to supplement the jurisdiction information for the other U.S. Government agencies found in Supplement No. 3 to part 730 *(Other U.S. Government Departments and Agencies with Export Control Responsibilities).* BIS also included these ECCNs to better align the CCL with the European Union's control lists that are primarily based on the multilateral export control regimes. However, by including references to other agencies' controls in specific ECCNs there is the potential that such ECCN references will become out of date if the other agencies update their respective regulations and the corresponding changes are not made in the EAR in a timely manner.

For example, on September 7, 2011 (76 FR 55278), the National Nuclear Security Administration, Department of Energy (DOE), published a notice of proposed rulemaking that proposed various amendments to regulations concerning unclassified assistance to foreign atomic energy activities. These proposed revisions were intended to reduce uncertainties for industry users concerning which foreign nuclear related activities by U.S. persons are ''generally authorized'' under the regulation and which activities require a ''specific authorization'' from the Secretary of Energy. However, if the ECCNs on the CCL that currently refer to DOE and the NRC controls are not updated, the uncertainties for exporters, reexporters and transferors would increase because of inconsistencies among the regulations. This rule only removes the fourteen ECCNs that refer to NRC controls. The ECCN that refers to DOE export controls is ECCN 0E001, and that ECCN is not being removed at this time because it also includes certain portions of the entry that are ''subject to the ITAR.'' However, to avoid uncertainties for exporters, reexporters and transferors as noted in the example above, BIS will endeavor to remove cross references to ECCNs that refer to DOE and NRC controls to avoid inconsistencies among regulations. Given that the NRC respective regulations are controlling in this area and these ECCNs are only acting as a cross reference, BIS proposed the removal of these ECCNs in the November 29 rule.

Although BIS proposed to remove the cross-references, BIS has determined there still is utility in including general cross references to other agencies' controls, including after the review of the comments received in response to the November 29 rule. Thus, this final rule includes a general cross reference at the beginning of the CCL in a revised § 774.1 (Introduction) that contains those ECCNs that have been reserved and are subject to the exclusive jurisdiction of another agency of the U.S. Government. In addition, the related control paragraphs of ECCNs contain cross references to controls of other agencies to the extent that such controls are similar to or related to the controls of certain ECCNs.

The remaining thirty-five of the forty-nine ECCNs refer to items that are ''subject to the ITAR,'' which is maintained by the Department of State. Given the ongoing review of the United States Munitions List (USML) that is being conducted under the ECR Initiative, it is premature to remove or revise these thirty-five ECCNs. In addition, given the number of cross references, in particular in Categories 7 and 9 of the CCL, to these thirty-five ECCNs, BIS determined that removing the ECCNs that are ''subject to the ITAR'' should be addressed once the review of the USML has been completed. Therefore, BIS is not implementing any additional changes in this final rule for those remaining 35 ECCNs.

BIS received two comments on these proposed changes in the November 29 rule. One commenter supported and one commenter opposed the changes. Commenter No. 7 supported the removal of the fourteen ECCNs, stating that these changes will avoid regulatory confusion and eliminate the need for BIS to continually update controls administered by a different agency. BIS agrees. Commenter No. 3 opposed the removal of these fourteen ECCNs, stating that the removal of the fourteen ECCNs would not result in clarity but rather in complexity. Commenter No. 3 included a number of reasons supporting their position and also included suggested alternatives. BIS reviewed these comments and responds to these comments below. BIS's analysis also included conducting analysis of data in the Automated Export System (AES) for these fourteen ECCNs to further evaluate these changes. The analysis of the AES data in particular highlighted for BIS and the NRC that these cross references have not been reported properly in AES in certain cases, such as EAR license exceptions or No License Required (NLR) designations being reported for some of these fourteen ECCNs that are subject to the NRC. BIS is working with the U.S. Census Bureau and the NRC at this time to create a change in AES that will create a fatal error for AES filers who try to use any type of EAR authorization or NLR designation for these fourteen ECCNs that are subject to the exclusive jurisdiction of the NRC and that are being removed from the CCL in this final rule. BIS addresses the comments received below, but the review of the AES data also played an important role in informing BIS's decision to move forward with the implementation of the removal of these fourteen ECCNs as proposed in the November 29 rule with minor modifications based on the review of the public comments.

Commenter No. 3 indicated the removal of the fourteen ECCNs leaves exporters without valid ECCNs and no viable alternative is offered. Commenter No. 3 noted the proposed replacement list in § 774.1 of the EAR is little more than a difficult-to-find and difficult-to-use footnote. BIS understands that certain exporters are more comfortable with using the CCL than the NRC's control list, but the fact remains these items are not subject to the EAR. Therefore, although these fourteen ECCNs alert the public that these items are subject to the exclusive jurisdiction of the NRC, exporters still must review the NRC's control list and regulations to determine their responsibilities under the NRC regulations. There is and can be no easy substitute for reviewing the NRC's control list. The new CCL Order of Review that was added to the EAR in the initial implementation final rule published on April 16, 2013 further clarified this issue in terms of the proposed order of review of the CCL. If the item is not subject to the EAR

because it is subject to the exclusive jurisdiction of another U.S. Government export control agency, you should exit the EAR and consult the other agency's controls. Other parts of the EAR, such as Supplement No. 3 to part 730 referenced above and § 734.3(b), also address this issue. BIS has made some changes to § 774.1 to make those references more useful as a historical reference to these fourteen ECCNs and to also act as a better cross reference to the multilateral export control regime entries that applied to these fourteen ECCNs at the time of their removal.

Commenter No. 3 also noted the negative impact on Customs and Border Protection (CBP) because CBP cannot rely on those fourteen ECCNs anymore. The commenter noted that the NRC's regulations under 10 CFR part 110 do not use the standard ECCN format, so Customs cannot directly relate ECCNs on the shipping document to NRC export controls. The commenter noted if these fourteen ECCNs are removed as proposed in the November 29 rule, Customs officers would need to refer to an old version of the CCL or possibly to the European Union (EU) control list. BIS does not agree with this comment. CBP does not and should not rely on the CCL for items that are subject to the exclusive jurisdiction of another agency of the U.S. Government. For items described in these fourteen ECCN cross references or any other item that is subject to the exclusive jurisdiction of the NRC, CBP evaluates whether the item is subject to the exclusive jurisdiction of the NRC and whether it is being exported in accordance with the NRC's regulations. The EAR does not enter into their analysis. If there is any question regarding the jurisdiction or classification of the item or whether it is being exported in accordance with the NRC regulations, CBP would follow up directly with the NRC, similar to what is done under the EAR for items that are subject to the EAR. As noted above, the NRC's list and regulations control the transaction; therefore, CBP would refer directly to the NRC's list.

Commenter No. 3, who opposes the change, also noted that if the fourteen NRC ECCNs were removed from CCL, an exporter could erroneously choose to use no ECCN, to invent a non-standard ECCN, or to use the (now questionably-documented) former CCL ECCN. As BIS noted in response to the previous comment, the exporter should use the classification for the item based on the NRC's control list. The exporter should also use the applicable NRC authorization or designation when entering data in AES. Under no circumstances should an EAR authorization or NLR designation be used in AES for an item that is subject to the exclusive jurisdiction of the NRC. As noted above, BIS and the NRC are working with the U.S. Census Bureau to create a fatal error, which is expected to be implemented in 2014, to prevent filers from being able to reference EAR authorizations or the NLR designation.

Commenter No. 3 also noted the proposed language for some ECCNs is cumbersome, awkward and confusing. Commenter No. 3 offered ECCN 3A233 as an example, stating the proposed language is cumbersome and awkward, requiring 40 words (including two defined terms) to describe an exclusion that the current language accomplishes in six words. On a related issue this commenter stated that the proposed changes do not prevent cross-references from becoming out of date, and therefore might not reduce maintenance. In the existing CCL, the NRC ECCNs are clearly partitioned from the BIS ECCNs, but the proposed rule would blur the distinction, in some cases by adding Heading Notes (e.g., 3A225) and in other cases modifying the chapeau itself (e.g., 3A233). The commenter noted that both approaches incorporate more tightly into the CCL the NRC control language that BIS wishes to remove. The commenter asserted that the probable outcome of this proposal would increase rather than decrease BIS maintenance. As a result of BIS's review of these comments, BIS has made changes in the final rule. BIS will not be implementing the Heading Notes. In other places where a large amount of text was needed, BIS has removed the detailed description of the NRC controls in ECCNs that previously referenced one or more of the fourteen ECCNs being removed. This final rule instead includes a general reminder that items that are subject to the exclusive jurisdiction of the NRC are not subject to the scope of the particular ECCN in question. For example, 3A233, which was identified by the commenter as overly complex and ambiguous as proposed for revision in the November 29 rule, is simplified in this final rule as described in the next paragraph, along with similar changes being made on the CCL for those conforming changes to the fourteen ECCNs being removed in this final rule.

The changes in this final rule to 3A233 clarify the mass spectrometers controlled under this ECCN do not include ''items that are subject to the export licensing authority of the Nuclear Regulatory Commission (see 10 CFR part 110).'' This concept is already specified in other parts of the EAR, including the new CCL Order of Review referenced above, but BIS believes this simplified approach will address the concern noted by the commenter, while still alerting the public that certain items related to 3A233 may be subject to the NRC's regulations. BIS is making changes to similar ECCNs where conforming changes are being made, in particular to those ECCNs where new heading notes were proposed. BIS will continue to evaluate the best approach for referencing the NRC's controls and in the future may simply add such information to the ''related controls'' paragraphs of these ECCNs that are subject to the EAR. However, for purposes of the changes being implemented in this final rule, BIS has determined this modified approach best achieves the objectives of the rule to remove these fourteen ECCNs and to make appropriate conforming changes to the CCL ECCNs where needed, while not re-creating the need to update the CCL to track with changes to the NRC regulations. The commenter correctly noted this was one of the rationales provided for the November 29 changes. BIS agrees with the commenter that a slightly revised approach is needed in this final rule to achieve those objectives.

Commenter No. 3 also noted that timely maintenance of the NRC ECCNs might not be needed. This commenter believed the existing structure of the CCL provides clear and adequate notice to exporters that certain items are subject to the export licensing jurisdiction of the NRC. Therefore, timely maintenance of fourteen NRC ECCNs in the CCL is not required. For the reasons noted above, BIS does not agree with this comment; NRC's regulations would control the transaction, not the CCL, regardless of whether the commenter believes the CCL is an easier list to review. The commenter may wish to contact the NRC and make suggestions for how the NRC control list could be reconfigured to make it more user friendly and more consistent with the structure used by the multilateral export control regimes. The premise that CCL entries are controlling or that the CCL entries can be relied on is incorrect. This analytical approach demonstrates an incorrect overreliance on the CCL for items that are not subject to the EAR, and further reinforces BIS's decision to remove these fourteen ECCNs.

Commenter No. 3 also noted that because the Nuclear Trigger List rarely changes, it is not difficult to stay current with it. BIS agrees that the Nuclear Trigger List rarely changes, but given the importance of exporters making a correct determination regarding the

export control jurisdiction for an item, and the fact that there is a real possibility of the NRC control list and the CCL entries' becoming inconsistent due to ill-timed updating, BIS has determined that the best approach is to create a clean break between the CCL and the NRC regarding items that are subject to the exclusive jurisdiction of the NRC.

Commenter No. 3 also noted the NRC rule example cited in the November 29 proposed rule did not change the Nuclear Trigger List. The cited NRC rule only clarified when a license was required. This commenter is correct, but based on the commenter's earlier comments about relying on the CCL and the fact that it appears from the AES data that certain exporters may not be referring at all to the NRC regulations and simply relying on one of those fourteen ECCNs and using an EAR authorization or NLR designation, any change to the NRC regulations in particular regarding license requirements is still relevant. In addition, there are other examples where the current NRC controls may have greater or less specificity than what is currently reflected on the CCL, which again speaks to the importance of exporters' reviewing the actual NRC control lists instead of relying on the CCL to perform that function for them. This commenter also suggested that ECCN 0B002 contains an error and does not match the Nuclear Trigger List.

BIS reviewed ECCN 0B002 and concluded that the current 0B002 is consistent with the multilateral control list. However, this example provides further support for the decision to remove the fourteen ECCNs so that all descriptions of NRC controls will be in NRC regulations.

BIS provides this paragraph to provide additional background on the reference above to the Nuclear Trigger List and how that fits in with the U.S. export control system. The Nuclear Suppliers Group controls two groups of items. The Part 1 Annex, which is often referred to as the Trigger List, controls those items that are uniquely nuclear, such as nuclear reactors and components; centrifuges and other enrichment equipment; nuclear materials such as uranium and plutonium; heavy water facilities, etc. These and other related items are controlled by the NRC under 10 CFR Part 110. The related Part 1 technology is controlled by the Department of Energy under 10 CFR Part 810. The Part 2 or Dual Use annex, covers those items that have both a nuclear and non-nuclear end use such as machine tools, pressure transducers, mass spectrometers, etc. and are under the licensing jurisdiction of the Department of Commerce. The International Atomic Energy Agency (IAEA) publishes both annexes under INFCIRC/254/Part1 and INFCIRC/254/Part 2. They may also be viewed on the Nuclear Suppliers Group Web site.

Commenter No. 3 also noted that the complexity of text could potentially also create burden for U.S. companies in the event that foreign export control authorities were to request clarification on whether the scope of, for example, U.S. ECCN 3A233 is equivalent to the scope of their national ECCN 3A233. BIS does not see this as a burden and also does not see this as the type of information that should be expected to be provided by a U.S. company. The U.S. Government is available to answer any questions from foreign parties, including other regime member governments, about how U.S. export control lists correspond with multilateral export control regime control lists. Therefore, if a U.S. company receives such a request, they may simply direct those foreign parties to contact the applicable agency of the U.S. Government, in this case the NRC, for resolution.

Commenter No. 3 noted that alignment with the EU control list remains a worthwhile goal. The commenter noted that the November 29 proposed rule did not seek to explain why this goal is no longer worthwhile. BIS has added in this final rule references to the multilateral export control regimes' control list to partially address this comment. The U.S. export control system implements U.S. Government commitments to the multilateral export control regimes in each of the respective agency control lists as applicable for the particular regimes. The removal of these fourteen ECCNs does not change the commitment of the U.S. Government to control such items that are reflected in the NRC control list. For the reasons noted above, though, not removing these fourteen ECCNs on the CCL may cause ambiguity regarding the proper export control jurisdiction between the CCL and the NRC's control lists. For that reason, this final rule removes those entries and replaces them with more general cross references to the NRC's control lists.

Commenter No. 3 noted that the removal of these ECCNs could set an undesirable precedent. This commenter believed U.S. action to split what had hitherto been a single control list into multiple lists could establish a precedent for other countries to do likewise—resulting in more complexity in global export control system. BIS does not agree the removal sets a bad precedent for other countries. Each country that is a member of the multilateral export control regimes implements those multilateral agreements into its own export control system, including determining what types of agency structure (single agency or multiple agencies) and type of control list (single control list or multiple control lists) is most appropriate under its respective national export controls. The importance is placed on implementing U.S. Government multilateral regime commitments, which the U.S. Government has done. This includes the removal of these fourteen ECCNs that, although the cross-references to the NRC controls are being removed from the CCL, are still controlled under the NRC. Therefore, the U.S. Government is meeting its obligations to the Nuclear Suppliers Group and other regimes as applicable, so BIS does not agree that the removal of these fourteen ECCNs will set a bad precedent.

Commenter No. 3 noted that these removals are contrary to the ''single control list'' goal of export control reform. BIS does not agree. The NRC and DOE regulations are not currently part of the single list objective of the ECR Initiative, so there is no inconsistency with this ECR objective.

Commenter No. 3 also offered two options for BIS to consider instead of removing these fourteen ECCNs, along with various proposed conforming changes to other ECCNs. The first option was retaining these ECCNs because it creates an easy way to identify and classify these items. The commenter asserted that retention of the fourteen NRC ECCNs on the CCL would provide a natural method for U.S. exporters to use an ECCN that is automatically and instantaneously recognized by all parties (exporter, importer, licensing officer, or enforcement officer) worldwide. For the reason discussed above in this section under (4)(A), BIS does not accept this approach.

The second option was to retain the fourteen ECCNs, but limit them to the headings with a cross reference back to the NRC. Under this alternative, the regulations would not remove the fourteen ECCN chapeaux within the CCL, but instead would delete the various subparagraphs of those ECCNs, and for ''List of Items Controlled'' indicate ''refer to NRC at 10 CFR 110.'' Simultaneously (so as to preclude the scenario described in option 1, above), the commenter suggested that BIS undertake joint BIS/NRC action to update the NRC control list to use the standard ECCN format. As noted above,

BIS has simplified the cross references to these fourteen ECCNs that were removed in the ECCNs that are retained on the CCL based, in part, on this comment. However, for the reasons noted above, BIS believes removing the fourteen ECCNs is the best way to achieve the policy objectives identified, so BIS does not accept this change.

(B) Changes to the CCL To Conform to the Removal of These Fourteen ECCNs

In addition to removing the fourteen ECCNs, this final rule also makes conforming changes to eleven ECCNs that would be retained on the CCL. The ECCNs that are revised by this rule contain references to one or more of the fourteen ECCNs that are being removed.

The removal of the fourteen ECCNs should not affect the existing controls for items subject to the EAR. However, given the relationship between the fourteen ECCNs removed and the ten ECCNs where conforming changes were made, BIS noted in the November 29 proposed rule that it was particularly interested whether the proposed changes accurately capture the intent of the previous references (i.e., the references to the fourteen ECCNs that would be removed in the ten ECCNs that are retained on the CCL). These comments and BIS' responses are discussed above in this section.

The final rule makes conforming changes to the following eleven ECCNs: 1A290, 1C107, 1C240, 1C298, 3A225, 3A226, 3A227, 3A233, 3A999, 6A005, and 6A205. This rule's revisions consist of the following:

ECCNs 3A225, 3A226, 3A227, 3A233, 6A005, and 6A205. This final rule revises seven ECCN headings (1C240, 3A225, 3A226, 3A227, 3A233, 6A005, and 6A205). This rule takes this approach to minimize the number of changes that would need to be made, while still ensuring the headings reflect the intended scope of these six ECCNs.

On the CCL, these seven ECCN headings include references to some of the fourteen ECCNs that are being removed as a shorthand way of communicating the scope of items controlled. Therefore, the removal of fourteen ECCNs requires that a broader description be added to the headings of these seven ECCNs. In the November 29 rule, BIS indicated that if only one of the fourteen ECCNs that would be removed is referenced, then BIS believed that in most cases it is easy to incorporate the text of the removed ECCN into the heading of the seven ECCNs. However, there are certain ECCNs that reference one or more of the fourteen ECCNs that are being removed by this rule. In the cases where multiple ECCNs are referenced, an effort to insert all the text into the headings as a conforming change would not be feasible. However, for other ECCNs, the November 29 rule proposed adding heading notes, which would provide more space to describe the substance of the ECCNs that would be removed from the respective headings. After further review, BIS determined a simpler approach could be taken that is also more consistent with the existing EAR by simply including text to alert the public those eleven ECCNs exclude items that are subject to the export licensing authority of the Nuclear Regulatory Commission (see 10 CFR part 110).

ECCNs 1A290, 1C107 and 1E001. This final rule revises three ''related controls'' paragraphs in ECCNs 1A290, 1C107 and 1E001. These changes revise references to one or more of the fourteen removed ECCNs in each of the three remaining ECCNs and replace them with a reference, in the related controls paragraph, to the NRC regulations. These changes will reduce the need for cross-referencing in the CCL to the fourteen removed ECCNs. The November 29 rule proposed to describe the NRC controls in the related controls paragraph. The November 29 rule described the approach being adopted as an alternative. BIS welcomed comments from the public regarding whether this alternate approach of simply using broad descriptors or some other approach not yet considered by BIS would be better than what was proposed. After reviewing the public comments, as discussed above, BIS decided to adopt this alternate approach consistent with the above described cross references to the fourteen removed ECCNs in ECCN headings.

ECCN 1E001. This final rule also revises 1E001 by removing the reference to 1C012 in the License Exception STA paragraph in the License Exceptions section. This ECCN is subject to the exclusive jurisdiction of another agency. Thus, License Exception STA could never be used as the authority to export an item described in 1C012. BIS did not receive any comments on this change, so this change is implemented, as proposed, in this final rule.

ECCN 1C298. This final rule revises one CCL note in ECCN 1C298 to remove references to one or more of the fourteen ECCNs that would be removed by this rule. BIS did not receive any comments on this change, so this change is implemented, as proposed, in this final rule.

(C) Adding a General Cross Reference to the Fourteen ECCNs That Would Be Removed

In § 774.1 (Introduction), this final rule redesignates the introductory text of the section as paragraph (a) with the heading ''Scope of the control list,'' and adds a paragraph (b) with the heading ''ECCN cross-references for items subject to the exclusive jurisdiction of another agency.'' The introductory text of paragraph (b) indicates that prior to the date of publication in the **Federal Register** of this final rule, the CCL contained fourteen ECCNs that were included as cross references on the CCL to the export control regulations administered by the NRC. Paragraph (b) identifies ECCNs formerly listed on the CCL that were subject to the jurisdiction of the NRC at 10 CFR part 110. This rule is adding a note to paragraph (b) to indicate that ECCNs 0D001 and 0E001 (ECCNs that are retained on the CCL) were subject to the jurisdiction of the NRC at 10 CFR part 110 or jurisdiction of the DOE at 10 CFR part 810, but also have certain portions that, as of the date of publication of this rule, were ''subject to the ITAR.'' These ECCNs are retained on the CCL as a cross reference. For the reasons noted above, BIS will implement these changes, as proposed, in this final rule.

(5) Revisions to Shipping Tolerances and Removal of All ''Unit'' Paragraphs

BIS in this final rule is revising the way shipping tolerances are calculated and applied under the EAR. This rule revises § 750.11 *(Shipping tolerances)* to state that all items are licensed based on both quantity and value of the items. Quantity will be denominated in the unit of quantity that is in general commercial usage for the trade of each item. All licenses will be strictly limited by the quantity approved on the license and no shipping tolerance will be available to exceed that quantity. A shipping tolerance of ten percent will be available on the total approved value for all commodities subject to the EAR to account for price uncertainty and price inflation over the four year validity period of the license. Additionally, this rule removes the ''Unit'' paragraph from the List of Items Controlled section of every ECCN on the CCL. BIS will no longer differentiate between items based on unit for the availability of shipping tolerances, so all commodities will be licensed in the unit of quantity commonly used in the trade of that good. This final rule also makes conforming changes to paragraph (d)(2)(iii)(A) of § 738.2 (Commerce Control List (CCL) structure); § 738.4

(Determining whether a license is required); § 742.2 (*Proliferation of chemical and biological weapons*)(e); paragraph (e)(Quantity) and (f)(Units) of Supplement No. 1 to Part 748—BIS–748P, BIS–748P–A: Item Appendix, and BIS–748P–B: End-User Appendix; Multipurpose Application Instructions;, and paragraphs (c)(1)(ii), (c)(1), (viii) and (f) of § 750.7 (*Issuance of Licenses*).

BIS is making these revisions to the EAR as a result of public comments received in response to the proposed rule and to a notice of inquiry (NOI), *Request for Public Comments on Shipping Tolerances for Export Licenses Issued by the Bureau of Industry and Security (BIS),* that BIS published on July 5, 2012 (77 FR 39679). In the NOI, the public was requested to provide responses to the following three issues:

(1) If the current Export Administration Regulations (EAR) shipping tolerance rules should be maintained or if changes should be made that facilitate automatic calculation of the remaining license value;

(2) If the EAR shipping tolerance rules were changed, (i) should BIS continue to exclude certain Export Control Classification Numbers (ECCNs) from having an allowable shipping tolerance, and (ii) should the dollar value-based shipping tolerance be set at ten percent to match the Department of State rules; and

(3) Whether an automatic calculation of the dollar value-based shipping tolerance in AES (electronic decrementation) would assist exporters in maintaining compliance with the allowable shipping dollar value of the license.

BIS received 11 comments in response to the NOI. Most were supportive of automatic decrementation of the license value. One commenter noted that quantity is not automatically checked against the licensed amount under the current DDTC system or the BIS proposal, and that calculation of quantity overages presents a risk of violations. Two commenters noted that a single percentage for all commodities would be simpler and easier to calculate. Additional comments were outside the scope of the inquiry and addressed AES specific issues.

BIS received one comment in response to the November 29 proposed rule that related to unit paragraphs. The commenter identified several unit paragraphs that contained listings for types of items that are not controlled in that ECCN. This comment and the BIS response was also discussed above.

Based on the commenters' support for the automatic decrementation and the desire for a single, simple shipping tolerance threshold across the EAR, BIS is undertaking this revision of the EAR. Automatic decrementation can only be calculated on the monetary value of the shipment, so to simplify and standardize the shipping tolerances, BIS is allowing shipping tolerances on value for all items. Additionally, BIS is no longer allowing any shipping tolerance to the quantity approved in the license. This change requires BIS to revise how shipping tolerances are calculated and when they are allowed.

Commodities on the CCL are currently assigned a unit of quantity in the ''Unit'' paragraph in the List of Items Controlled section of each ECCN. These units of quantity are number, dollar value, or area, weight or other measure. The commodities are licensed in this unit of quantity, meaning that a license for an item denominated in number authorizes shipments of the commodity until the number has been reached. For items licensed in number or area, weight or other measure, the exporter must estimate the per unit cost and the license contains a total dollar value authorized. For items denominated in value, the exporter must provide BIS the number in whatever unit of quantity is common in that trade and the license contains a quantity authorized.

Presently, shipping tolerances are available to allow exporters to legally exceed the quantity or value on the license in certain circumstances. Items denominated in number are eligible for a shipping tolerance of up to twenty-five percent of the value authorized on the license. Items denominated in area, weight or other measure are eligible for a shipping tolerance of up to twenty-five percent of the value and up to ten percent on the quantity authorized on the license. Items denominated in value are not eligible for any shipping tolerance on the value or the quantity authorized on the license.

To amend this existing structure, this final rule standardizes the unit of measure for all items as the number based on the unit of quantity commonly used in the trade of that good. This means that the applicant will identify the appropriate unit of quantity on the license application and the quantity of the commodity to be exported calculated in that unit of quantity. For the majority of commodities, this unit of quantity will be the number of individual items, as described in the ECCN. For example, if an applicant wishes to export integrated circuits controlled under ECCN 3A001, they will identify the number of individual integrated circuits they would like BIS to authorize for export.

Once the unit of quantity and number of items is established, the applicant will determine the per unit value of the item and will report that value to BIS. The applicant will then multiply the per unit value by the number sought to be exported to arrive at the total value of the license and report that to BIS in the license application. If the license is granted, the exporter will be limited to both the number and the value approved on the license.

This eliminates any distinction between commodities regarding the availability or calculation of shipping tolerances. This rule therefore also makes shipping tolerances available for all items up to ten percent of the value authorized on the license. Each license authorized by BIS will have both a number and a value. If the exporter has shipped the number of items approved on the license, but has not yet shipped the total value authorized, the license is exhausted and no more items may be shipped under that license. If, however, the exporter has shipped the total value of the license, but has not yet shipped the total number authorized, the exporter may continue to ship against the license until the total value shipped reaches 110% of the value authorized on the license, or the exporter reaches the number of items authorized on the license, whichever occurs first.

Shipping tolerances on value are allowed to accommodate inflation of the value of the commodities over the validity period of the license. BIS has determined that over the four year validity period that will be applicable to most licenses, a ten percent shipping tolerance is reasonable to accommodate potential inflation for the foreseeable future. If a shipping tolerance is not appropriate for a specific transaction, BIS may stipulate a different shipping tolerance on the license. It is the responsibility of the exporter to ensure compliance with all license conditions, including any shipping tolerance specified on the license.

By standardizing the unit for all items as the number based on the unit of quantity commonly used in the trade of that commodity, BIS has also removed the need to identify the unit in each ECCN. Therefore, this rule eliminated the ''Unit'' paragraph in the List of Items Controlled section of each ECCN. This will simplify the CCL and eliminate a point of confusion for many exporters.

Additionally, the removal of all ''unit'' paragraphs removes the need to make the revisions to the ''unit'' paragraphs that were described in the November 29 proposed rule. Therefore the proposed changes to ECCNs 2A292, 2B201, 2B206, 2B209, 2B290, 6A102,

6A203, 6A225, 6A226, 6A992, 6A994, 6A995, 6C992, 6C994, 9A106, and 9A120 will not be made, as was discussed earlier in the ''parts'' and ''components'' changes discussion of this final rule.

BIS recognizes that for items currently denominated in number, this rule will reduce the applicable shipping tolerance from twenty-five percent of the total authorized value to ten percent. To avoid unsettling exporter expectations on the use of existing authorizations and avoid confusion, the changes in shipping tolerances will only apply to licenses granted after this rule becomes effective. In addition, because a purchase order is not needed in order to apply for a license, applicants that have a desire or need for an additional tolerance once this rule becomes effective may simply request an additional quantity in the original license application. Therefore, BIS believes the impact on applicants will be minimal, but adopting this simplified shipping tolerance and removal of the ''Units'' paragraphs will make the CCL clearer. The changes implemented in the final rule will also be an important step in moving toward decrementing BIS licenses in AES, which based on the public comments received in response to the NOI, is something strongly supported by the public.

(6) Clarifications to the April 16 (Initial Implementation) Rule

BIS is making three clarifications to the April 16 (initial implementation) rule as a result of questions and comments from the public that identified unintended or inconsistent policy outcomes after the publication of the final rule. These changes are in addition to the conforming changes being made to the April 16, 2013 rule described above under ''(3) *Structural changes to improve the clarity of the CCL.''* As noted above, the April 16 (initial implementation) rule revises the CCL by adding a structure and related provisions to control munitions items that the President has determined no longer warrant export control on the USML on the CCL, specifically certain aircraft, gas turbine engines, and related items. The initial implementation rule was published in conjunction with a Department of State document that revises the USML so that upon the effective date of both documents (October 15, 2013), the USML and CCL and corresponding regulatory structures will be complementary. The Department of Commerce and State will publish corrections to the April 16 final rules prior to October 15, 2013. The changes described here are minor clarifications to correct unintended or inconsistent policy outcomes, or to make other minor clarifications to the April 16 (initial implementation) rule.

BIS conducted a significant amount of outreach to explain the initial implementation rule, including providing a number of opportunities for the public to submit questions to BIS about the changes that will become effective on October 15, 2013. As BIS has answered these questions, including conducting outreach to other parts of the U.S. Government and internally within BIS, BIS determined that there was a need to provide these clarifications to the initial implementation rule.

(A) Clarification of de Minimis Exclusion for .y ''600 series'' Items To Ensure Consistent Treatment When Exported or Reexported as Stand-Alone Items and When Incorporated

The initial implementation rule added a new paragraph (a)(6) to Section 734.4 *(De minimis U.S. content*). New paragraph (a)(6) excludes all ''600 series'' items from *de minimis* eligibility when destined to a D:5 Country in Supplement No. 1 to part 740. The ''600 series'' .y items are controlled for AT1, so these items are subject to a license requirement for the E:1 countries and for China because of the PRC military end-use control. The E:1 countries and China are also D:5 countries. Therefore, the exclusion from *de minimis* eligibility for .y items for the E:1 countries and China is consistent. The ''600 series'' .y items are subject to a license requirement if exported or reexported to these countries as discrete items and when incorporated with a foreign made item because .y items are not eligible for *de minimis* because of paragraph (a)(6).

For the other D:5 countries, however, there is an inconsistency, because ''600 series'' .y items are not subject to a license requirement when exported or reexported as discrete items. However, if any .y item is incorporated into a foreign made item, the foreign made item would become subject to the EAR when reexported or exported from abroad, because of the paragraph (a)(6) exclusion from *de minimis* for all ''600 series'' items for D:5 countries.

To ensure consistent treatment for .y items, this final rule revises paragraph (a)(6) to add a heading for paragraph (a)(6) (''600 series'') and add new paragraphs (a)(6)(i) and (a)(6)(ii). Paragraph (a)(6)(i) specifies there is no *de minimis* level for foreign-made items that incorporate U.S.-origin ''600 series'' items enumerated or otherwise described in paragraphs .a through .x of a ''600 series'' ECCN when destined for a country listed in Country Group D:5.

To address the inconsistent treatment of the .y items discussed above, this final rule adds a new paragraph (a)(6)(ii) to address the exclusion for ''600 series'' .y items. This new paragraph will specify there is no *de minimis* level for foreign-made items that incorporate U.S.-origin ''600 series'' .y items when destined for a country listed in Country Group E:1 *or* for the People's Republic of China (PRC). BIS decided to take this approach to address the inconsistent treatment because BIS, in consultation with its interagency partners, previously concluded that D:5 countries other than China and E:1 countries do not present a high enough diversion risk to warrant this approach for .y items, which are not as militarily significant as other ''600 series'' items (as noted in June 21, 2012 (transition) proposed rule).

(B) Removal of Sentence No Longer Needed Because of the de Minimis Changes Included in the Initial Implementation Rule

In § 740.10 *(License Exception Servicing and replacement of parts and equipment (RPL)* in this final rule, BIS is removing the second sentence of paragraph (b)(2)(ii) because it is not needed in light of the *de minimis* changes included in the initial implementation rule. The second sentence in paragraph (b)(2)(ii) was originally proposed in the July 15 (framework) rule and was worded in the way it was because of the 10% *de minimis* rule that was originally proposed in that rule. Specifically, the second sentence for the ''600 series'' did not extend to parts, components, accessories, attachments and attachments contained in commodities that were made in a foreign country incorporating authorized U.S.-origin parts, components, accessories or attachments. However, after subsequent review of the public comments and further consideration, BIS adopted a simpler *de minimis* rule for the ''600 series.'' Because countries listed in D:5 are subject to a 0% *de minimis* rule for ''600 series'' items, except for .y items as described above, there is no longer a need for the second sentence in (b)(2)(ii). Therefore, in this final rule, BIS is removing the second sentence that was specific to the ''600 series.'' The requirements in (b)(2)(ii) that apply to non-''600 series'' parts, components, accessories, and attachments will apply to the ''600 series.''

(C) Clarification of What ECCNs Are Considered Controlled for AT-Only, for Purposes of ''specially designed''

The April 16 (initial implementation) rule added a new definition of ''specially designed.'' This final rule adds a sentence to the end of Note 1 of ''specially designed'' definition to clarify which ECCNs are controlled for AT-only reasons for purposes of the ''specially designed'' definition. This sentence lists seventy-three ECCNs, which are the following ECCNs: 0A999, 1A995, 1A999, 1C990, 1C996, 1C998, 1D993, 1D999, 1E994, 1E998, 2A991, 2A994, 2A999, 2B991, 2B992, 2B993, 2B996, 2B997, 2B998, 2B999, 2D991, 2D992, 2D994, 3A991, 3A992, 3A999, 3B991, 3B992, 3C992, 3D991, 3E991, 4A994, 4D993, 4D994, 4E992, 4E993, 5A991, 5C991, 5D991, 5E991, 5A992, 5D992, 5E992, 6A991, 6A992, 6A993, 6A994, 6A995, 6A996, 6A997, 6A999, 6B995, 6C992, 6C994, 6D992, 6D993, 6E992, 6E993, 7B994, 7D994, 7E994, 8A992, 8D992, 8E992, 9A990, 9A992, 9B990, 9B991, 9D990, 9D991, 9E990, 9E991 and 9E993. ECCNs controlled for AT-only reasons are ECCNs where the reason for control in the License Requirements paragraph only includes AT, AT1 or AT2. In addition to the seventy-three ECCNs that include only an AT reason for control, there are eleven additional ECCNs on the CCL that are controlled predominantly for AT reasons on the CCL. These ECCNs include, in addition to the AT control, an RS control only for Iraq (0B999, 0D999, 1B999, 1C992, 1C995, 1C997, 1C999); a UN control (0B986 and 9A991); *or* an RS1 control (6A998.b and 7A994 for the QRS11). These eleven ECCNs are considered controlled for AT-only ECCNs (excluding for the RS1 controlled portions of 6A998 and 7A994) for purposes of the ''specially designed'' definition. This is because although they contain another reason for control, they are controlled predominantly for AT reasons.

This final rule adds a sentence to the end of Note 1 to identify these eleven additional ECCNs that are controlled predominantly for AT reasons are treated as ECCNs controlled only for AT reasons for purposes of ''specially designed,'' although two exclusions are made for the portions of ECCNs 6A998 and 7A994 that are controlled for RS1 reasons. The new sentence this final rule adds to Note 1 specifies ECCNs: 0B986, 0B999, 0D999, 1B999, 1C992, 1C995, 1C997, 1C999, 6A998 (except for .b), 7A994 (except for the QRS11) and 9A991 are treated as ECCNs controlled only for AT reasons for purposes of ''specially designed.''

(D) Clarification on the Applicability of Paragraph (b)(3) and (b)(4) 'releases' From ''specially designed'' for ECCNs Controlled for AT-Only Reasons

This final rule also adds to the ''specially designed'' definition a new Note to paragraphs (b)(3) and (b)(4). This new note clarifies when paragraph (b)(3) and (b)(4) can be used to 'release' ''parts,'' ''components,'' ''accessories,'' ''attachments,'' or ''software'' for ECCNs that are controlled for AT-only reasons. Because the 'release' criteria of paragraphs (b)(3) and (b)(4) use ''controlled for AT-only reasons,'' the application of these paragraphs for ECCNs controlled for AT-only reasons that use ''specially designed'' is being clarified. BIS received two questions from the public on this aspect of the definition. BIS has provided guidance on how to interpret the applicability of paragraph (b)(3) and (b)(4) for ECCNs controlled for AT-only reasons. BIS considered posting guidance on this interpretation on the BIS Web site, but, for ease of use for the public and to ensure consistent application of the interpretation, BIS decided it was better to add this interpretation as a new ''Note to paragraphs (b)(3) and (b)(4).'' This is not a change in how BIS intended the definition to apply, but it does make this interpretation explicit for the public.

The new note being added in this final rule specifies that ECCNs controlled for AT-only reasons that use ''specially designed'' are eligible for 'release' under paragraphs (b)(3) and (b)(4). However, this new note clarifies that the criteria for 'release' under (b)(3) or (b)(4) must be met by another ECCN controlled for AT-only reasons or an EAR99 item in addition to the AT-only ECCN being reviewed for 'release' from ''specially designed.''

The new note being added also includes three examples to assist understanding. The first two examples highlight when a ''part'' used in an ECCN controlled for AT-only reasons is eligible for 'release.' The first example states, if a single gasket is used in ECCN 9A990 tractors (9A990 includes a control on ''specially designed'' ''parts'') and also pick-up trucks designated as EAR99 that are in ''production,'' the single gasket would be 'released' from ''specially designed'' on the basis of paragraph (b)(3). The second example being added to the new note in this final rule states that if the single gasket is or was used in 9A990 tractors and also 9A991.b aircraft (another AT-only ECCN) that are in ''production,'' the gasket would be 'released' from ''specially designed'' on the basis of paragraph (b)(3). The newly added note includes a third example to highlight when paragraph (b)(3) would not be available by noting that if the single gasket is or was only used in the ''production'' of ECCN 9A990 tractors that are in ''production,'' then paragraph (b)(3) would not be available. Lastly, the note being added clarifies that the same concept applies for paragraph (b)(4).

(E) Clarification of the Definition of ''end item'' That Was Added in the Initial Implementation Final Rule

This final rule is revising the definition of ''end item'' that was added in § 772.1 (Definitions of terms as used in the EAR) to add the words ''system'' and ''equipment'' before the phrase ''assembled commodity.'' This change is not substantive and is limited to clarifying the intended scope of the definition of ''end item'' as it relates to the terms ''system'' and ''equipment.''

(F) Clarification of the Definition of ''equipment'' That Was Added in the Initial Implementation Final Rule

This final rule is revising the definition of ''equipment'' that was added in § 772.1 to make three clarifications. First, this final rule clarifies the relationship between ''equipment'' and ''end items'' and ''systems'' by revising the phrase ''operate together to perform a function of an end item or system'' to add the phrase ''as, or for'' after ''of'' so it reads ''operate together to perform a function of, as, or for an end item or system.'' This change is not substantive and is limited to clarifying the intended scope of the definition of ''end item'' as it relates to the terms ''system'' and ''equipment.'' This change specifies a combination of ''parts,'' ''components,'' ''accessories,'' ''attachments,'' ''firmware,'' or ''software'' is a system considered ''equipment'' when that combination of commodities or software: Operate to perform a function ''of'' an end item or system; operate to perform a function ''as'' an end item or system; or operate to perform a function ''for'' another end item or system.

Second, this final rule is revising the definition of ''equipment'' to delete the word ''specialized'' before the word ''function'' because the word is not needed and has the potential to create ambiguity regarding what is ''equipment.'' BIS provides guidance here on the meaning of function to clarify what is intended with the use of the word function in the ''equipment'' definition. For purposes of the ''equipment'' definition, function means the control criteria specified in an ECCN entry, which in certain cases is limited

to the heading, and for those ECCNs that use an ''items'' paragraph, the function is the control criteria in the respective ''items'' paragraph that enumerates or otherwise describes the ''equipment.'' In certain cases the specialized function may be described in fairly broad terms, such as equipment for military end use. In other cases the control parameters that are included with the term ''equipment'' may be quite detailed. The ''equipment'' definition includes both of those types of entries. This guidance on the meaning of function also applies to the definition of ''system'' discussed below under (G) where the word ''specialized'' is also being removed for the same reason as in the ''equipment'' definition.

Third, this final rule is adding two sentences to the end of the ''equipment'' definition. The originally proposed ''equipment'' definition that was included in the proposed July 15 (framework) rule, stated that ''equipment'' is a subset of ''end items.'' However, this sentence was not included in the ''equipment'' definition included in the initial implementation final rule. The relationship between the broader term ''end item'' and ''equipment'' was discussed in the Background section of the initial implementation final rule on pages 78 FR 22692 and 22693. However, after further consideration and to address questions BIS has received on the relationship between these two terms, BIS has determined a sentence should be added to the ''equipment'' definition to clarify that ''equipment'' may be a subset of ''end items,'' when it meets the definition of an ''end item,'' ready for use with only the addition of ammunition, or fuel or energy source required to place it in an operating state. When ''equipment'' does not meet this definition, it is categorized as on the definition with which it does comply. This same type of concept also applies to the definition of ''system.''

(G) Clarification of the Definition of ''system'' That Was Added in the Initial Implementation Final Rule

This final rule is revising the definition of ''system,'' which was added to § 772.1 in the initial implementation final rule, to delete the word ''specialized'' before the word ''function'' because the word is not needed and has the potential to create ambiguity regarding what is a ''system.'' This final rule is also removing the single quotes around function because the word is not defined in the ''system'' definition. Lastly, this final rule is adding a new Note 1 to the definition to reference industrial standards established by INCOSE and NASA that provide examples for when commodities and software operate together to perform a function as a system.

(H) Clarification of the Definition of ''build-to-print technology'' That Was Added in the Initial Implementation Final Rule

This final rule is revising the definition of ''build-to-print technology,'' which was added to § 772.1 in the initial implementation final rule, to add the phrase ''any of the following'' in the introductory text of paragraph (1) to clarify the three criteria in paragraphs (1)(i)–(iii) use the disjunctive ''or.'' The use of ''or'' in paragraph (1) after paragraphs (1)(ii) already states this requirement, but the addition of the phrase ''any of the following'' in the introductory text of paragraph (1) will make it easier to understand. This final rule is also revising the definition to remove the phrase ''the minimum'' before the term ''necessary'' because it is not needed and has the potential to cause confusion given necessary is not a term that is qualified by degree. Technology is either necessary or not necessary, so there is no need to include the qualifying phrase ''the minimum'' before the term ''technology.''

(I) Initial Implementation Rule Conforming Changes to This Final Rule

As noted above, in this final rule, BIS is also making conforming changes to the initial implementation rule, which are described under (3) *Structural changes to improve the clarity of the CCL.* These changes are described under heading (3) above because they are easier to understand when discussed in the context of those structural changes being made to the other ECCNs (non-''600 series'' ECCNs) on the CCL.

(J) ECCNs 9B610 and 9B619

This final rule revises the Related Controls paragraph in ECCN 9B610 and adds new language to the Related Controls paragraph in ECCN 6B619. The revision to 9B610 adds ''equipment'' to the list of commodities that are controlled for the aircraft specified under VIII(h)(1). The new language in 9B619 identifies related controls for engines specified under XIX(f)(1). The intent is to clarify that all parts, components, accessories, attachments, and equipment (which includes development, production, operation, maintenance, inspection and test equipment) are controlled under the USML in either VIII(h)(1) or XIX(f)(1) for specified aircraft and engines, respectively. ECCNs 9B610 and 9B619 continue to control the described parts, components, accessories, attachments, and equipment (which includes development, production, operation, maintenance, inspection and test equipment) not specified on the USML.

Although the Export Administration Act expired on August 20, 2001, the President, through Executive Order 13222 of August 17, 2001, 3 CFR, 2001 Comp., p. 783 (2002), as amended by Executive Order 13637 of March 8, 2013, 78 FR 16129 (March 13, 2013) and as extended by the Notice of August 8, 2013, 78, 2013, 78 FR 49107 (August 12, 2013), has continued the Export Administration Regulations in effect under the International Emergency Economic Powers Act. BIS continues to carry out the provisions of the Export Administration Act, as appropriate and to the extent permitted by law, pursuant to Executive Order 13222.

Rulemaking Requirements

1. Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distribute impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This final rule has been designated a ''significant regulatory action,'' although not economically significant, under section 3(f) of Executive Order 12866. Accordingly, the rule has been reviewed by the Office of Management and Budget (OMB).

2. Notwithstanding any other provision of law, no person is required to respond to nor be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This rule affects the following approved collection: Simplified Network Application Processing System (control number 0694–0088), which includes, among other things, license applications and carries a burden estimate of 43.8 minutes for a manual or electronic submission. Total burden hours associated with the PRA and OMB control number 0694–0088 are expected to decrease slightly as a result of this rule because of the removal of ECCN

8A918 and the clarification of the use of the terms ''parts'' and ''components'' on the CCL. The intent of the clarification of the use of the terms ''parts'' and ''components'' on the CCL is to maintain the current scope of controls, although in certain cases this greater specificity in how these terms are being used may result in a slight reduction in license applications received for those entries where ''parts'' is not being added and previously the undefined the term components was used. In the context of these ECCNs, BIS, along with the other agencies that reviewed this rule, determined the intent is not to include ''parts.'' However, because previously a small number of license applications may have been received for commodities that would meet the ''parts'' definition that was added in the initial implementation final rule, BIS has determined this may result in a slight decrease in the number of license applications received.

3. This rule does not contain policies with Federalism implications as that term is defined under E.O. 13132.

4. The Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 *et seq.,* generally requires an agency to prepare a regulatory flexibility analysis for any rule subject to the notice and comment rulemaking requirements under the Administrative Procedure Act (5 U.S.C. 553) or any other statute, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Under section 605(b) of the RFA, however, if the head of an agency certifies that a rule will not have a significant economic impact on a substantial number of small entities, the statute does not require the agency to prepare a regulatory flexibility analysis. Pursuant to section 605(b), the Chief Counsel for Regulation, Department of Commerce, submitted a memorandum to the Chief Counsel for Advocacy, Small Business Administration, certifying that the November 29 proposed rule will not have a significant economic impact on a substantial number of small entities. A summary of the factual basis for the certification was provided in the November 29 proposed rule and is not repeated here. BIS did not receive any comments in response to the proposed rule regarding the economic impact of this rule or to the certification made by the Chief Counsel. As a result, a final regulatory flexibility analysis is not required and one was not prepared.

5. Section 3(D) of this rule adds a ''REPORTING REQUIREMENTS'' paragraph to ECCNs 1C001, 4D001, 7D002, 7D003, 7E001 and 7E002. This addition to the Export Administration Regulations was not included in the November 29 proposed rule. The Department finds that there is good cause under 5 U.S.C. 553(b)(B) to waive the provisions of the Administrative Procedure Act requiring prior notice and the opportunity for public comment because they are either unnecessary or contrary to the public interest. This addition alerts exporters that reporting requirements were imposed on these ECCNs in the April 16 (initial implementation) rule through the changes to § 743.1 and the addition of the Wassenaar Arrangement Sensitive and Very Sensitive Lists as Supplements Nos. 6 and 7 to Part 774. This addition to this final rule does not create any new reporting requirements. Without the addition of these Report Requirements paragraphs to the EAR prior to the October 15, 2013 effective date of the April 16 (initial implementation) rule, exporters who review these ECCNs will not be aware of the need to review the revised § 743.1 and the Wassenaar Arrangement Sensitive and Very Sensitive Lists added as Supplements Nos. 6 and 7 to Part 774.

6. The revisions to the Export Administration Regulations described in Section 6 of this rule were not included in the November 29 proposed rule. The Department finds that there is good cause under 5 U.S.C. 553(b)(B) to waive the provisions of the Administrative Procedure Act requiring prior notice and the opportunity for public comment because they are either unnecessary or contrary to the public interest. The majority of these revisions are non-substantive, only clarifying the regulations and thus prior notice and the opportunity for public comment is unnecessary.

The revisions described in Section (6)(A) provide a clarification that ''600 series'' .y items are available for de minimis treatment when incorporated into foreign origin items destined for any country for which a license would not be required for direct shipment from the United States. In a standard de minimis analysis, only the U.S. origin content that would require a license for direct shipment from the United States to the destination of the foreign origin item is included toward the de minimis percentage. As ''600 series'' .y items do not require a license to D:5 countries, other than the E:1 countries and the People's Republic of China, it would be contrary to the EAR to include the .y items in the calculation of foreign origin items destined to those countries. Additionally, as all foreign origin items incorporating more than a de minimis level of ''600 series'' parts and components are, by definition, military items and controlled in 0A919 with an NS1 and RS1 reason for control, requiring worldwide licensing, foreign manufacturers will have an incentive to avoid sourcing U.S. origin .y items when the item would not otherwise exceed de minimis. Notice and public comment procedure for this revision is contrary to the public interest. If this revision is not effective on October 15, 2013 simultaneous with the April 16 (initial implementation) rule, foreign origin military items that incorporate ''600 series'' .y items will be subject to greater controls than the ''600 series'' .y items would be for direct shipment from the United States. This inconsistent result was not intended by BIS and would result in discouraging foreign manufacturers from sourcing U.S. origin ''600 series'' parts and components without any positive impact on national security. This would frustrate a major purpose of the Export Control Reform Initiative.

The revisions described in Section 6(C) correct an oversight in the term AT-only, as used in the ''specially designed'' definition, to allow certain ECCNs with additional narrow reasons for control to be considered within the paragraph (b)(3) release provision. When BIS published the rule implementing the definition for ''specially designed,'' BIS did not intend to exclude the eleven ECCNs identified above which are predominantly controlled only for AT reasons from the paragraph (b)(3) release in the ''specially designed'' definition. Excluding these eleven ECCNs from the paragraph (b)(3) release would cause, for example, parts common to a military aircraft controlled in ECCN 9A610 and a commercial airliner controlled in ECCN 9A991 to be ''specially designed'' for the military aircraft and therefore controlled in 9A610.x with an NS1 and RS1 reason for control, requiring worldwide licensing. In this final rule, BIS amends the language to correct the inadvertent error. Notice and public comment procedure for this revision is contrary to the public interest. If this revision is not effective on October 15, 2013 simultaneous with the April 16 (initial implementation) rule, the paragraph (b)(3) release of the ''specially designed'' definition will not operate as BIS intended and a significant amount of commercial trade may be subject to ''600 series'' controls.

List of Subjects

15 CFR Part 734

Administrative practice and procedure, Exports, Inventions and patents, Research science and technology.

15 CFR Part 738

Exports.

15 CFR Parts 740, 748 and 750

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

15 CFR Part 742

Exports, Terrorism.

15 CFR Part 772

Exports.

15 CFR Part 774

Exports, Reporting and recordkeeping requirements.

Accordingly, parts 734, 738, 740, 742, 748, 750, 772, and 774 of the Export Administration Regulations (15 CFR parts 730–774) are amended as follows:

PART 734—[AMENDED]

■ 1. The authority citation for 15 CFR part 734 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13020, 61 FR 54079, 3 CFR, 1996 Comp., p. 219; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of November 9, 2011, 76 FR 70319 (November 10, 2011); ; E.O. 13637, 78 FR 16129 (March 8, 2013); Notice of August 8, 2013, 78, 2013, 78 FR 49107 (August 12, 2013).

■ 2. Section 734.3 is amended:
■ a. By revising the introductory text of paragraph (b)(1)(i); and
■ b. By adding paragraph (b)(1)(vi) to read as follows:

§ 734.3 Items subject to the EAR.

* * * * *

(b) * * *

(1) * * *

(i) *Department of State.* The International Traffic in Arms Regulations (22 CFR parts 120–130) administered by the Directorate of Defense Trade Controls relate to defense articles and defense services on the U.S. Munitions List (22 CFR part 121). Section 38 of the Arms Export Control Act (22 U.S.C. 2778). (Also see paragraph (b)(1)(vi) of this section).

* * * * *

(vi) *Department of Defense (DoD) and Department of State Foreign Military Sales (FMS) Program.* Items that are subject to the EAR that are sold, leased or loaned by the Department of Defense to a foreign country or international organization under the FMS Program of the Arms Export Control Act pursuant to a Letter of Offer and Acceptance (LOA) authorizing such transfers are *not* ''subject to the EAR,'' but rather, are subject to the authority of the Arms Export Control Act.

* * * * *

■ 3. Section 734.4 is amended:
■ a. By revising the Note to paragraph (a)(3); and
■ b. By revising paragraph (a)(6) as added April 16, 2013, at 78 FR 22707, effective October 15, 2013 to read as follows:

§ 734.4 *De minimis* U.S. content.

* * * * *

Note to Paragraph (a)(3): QRS11 Micromachined Angular Rate Sensors are ''subject to the ITAR,'' (see 22 CFR parts 120 through 130) except when the QRS11–00100–100/101 version of the sensor is integrated into and included as an integral part of a commercial primary or standby instrument system of the type described in ECCN 7A994, or aircraft of the type described in ECCN 9A991 that incorporates a commercial primary or standby instrument that has such a sensor integrated, or is exported solely for integration into such systems; or when the QRS11–00050–443/569 is integrated into a commercial automatic flight control system of the type described in ECCN 7A994, or aircraft of the type described in ECCN 9A991 that incorporates an automatic flight control system that has such a sensor integrated, or is exported solely for integration into such a system.

* * * * *

(6) ''600 series.''

(i) There is no *de minimis* level for foreign-made items that incorporate U.S.-origin ''600 series'' items enumerated or otherwise described in paragraphs .a through .x of a ''600 series'' ECCN when destined for a country listed in Country Group D:5 of Supplement No. 1 to part 740 of the EAR.

(ii) There is no *de minimis* level for foreign-made items that incorporate U.S.-origin ''600 series'' .y items when destined for a country listed in Country Group E:1 of Supplement No. 1 to part 740 of the EAR *or* for the People's Republic of China (PRC).

■ 4. Section 734.6 is amended by revising paragraph (a) to read as follows:

§ 734.6 Assistance available from BIS for determining licensing and other requirements.

(a) If you are not sure whether a commodity, software, technology, or activity ''subject to the EAR'' is subject to licensing or other requirements under the EAR, you may ask BIS for an advisory opinion or a commodity classification determination. In order to determine whether an item is ''subject to the ITAR,'' you should review the ITAR's United States Munitions List (see 22 CFR 120.3, 120.6 and 121.1). You may also submit a request to the Department of State, Directorate of Defense Trade Controls, for a formal jurisdictional determination regarding the commodity, software, technology, or activity at issue; or in ITAR terms, the defense article, technical data or defense service at issue (see 22 CFR 120.4).

* * * * *

PART 738—[AMENDED]

■ 5. The authority citation for 15 CFR part 738 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* 10 U.S.C. 7420; 10 U.S.C. 7430(e); 22 U.S.C. 287c; 22 U.S.C. 3201 *et seq.;* 22 U.S.C. 6004; 30 U.S.C. 185(s), 185(u); 42 U.S.C. 2139a; 42 U.S.C. 6212; 43 U.S.C. 1354; 15 U.S.C. 1824a; 50 U.S.C. app. 5; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 8, 2013, 78, 2013, 78 FR 49107 (August 12, 2013).

■ 6. Section 738.2 is amended by:
■ (a) Revising the introductory text to paragraph (d)(2);
■ (b) Redesignating paragraphs (d)(2)(i) through (iii) as (d)(2)(ii) through (iv);
■ (c) Adding a new paragraph (d)(2)(i);
■ (d) Removing newly redesignated paragraph (d)(2)(iv)(A);
■ (e) Further redesignating newly redesignated paragraphs (d)(2)(iv)(B) through (D) as (d)(2)(iv)(A) through (C); and
■ (d) Revising newly redesignated paragraph (d)(2)(iv)(C) to read as follows:

§ 738.2 Commerce Control List (CCL) structure.

* * * * *

(d) * * *

(2) *Reading an ECCN.* An ECCN is made up of four sections, the ''Heading,'' ''License Requirements,'' ''License Exceptions,'' and ''List of Items Controlled'' sections. A brief description of each section and its use follows:

(i) *Heading.* A description of the items controlled is provided next to each ECCN. In certain ECCNs, the description is a summary and will direct you to ''see List of Items Controlled'' for a complete list of items classified under those respective ECCNs. The ''Items'' paragraph in the List of Items Controlled section will describe all of the items that the ECCN controls for the portions of

the heading that precede the ''see List of Items Controlled'' phrase. Portions of the heading that follow the phrase are complete descriptions of the items controlled by that portion of the heading. If ''see List of Items Controlled'' appears at the end of the heading, the ''Items'' paragraph in the List of Items Controlled section is the exclusive, complete list of the items the ECCN controls.

* * * * *

(iii) * * *

(C) *Items.* This paragraph describes the relationship between the ''items'' paragraph and ECCN headings and will assist your understanding as you classify items on the CCL. When the heading contains the phrase ''see List of Items Controlled,'' the portion of the heading preceding that phrase is only a summary of the items controlled by the ECCN and the ''items'' paragraph contains an exclusive list of items described in the heading. Paragraphs (d)(2)(iv)(C)(*1*), (*2*) and (*3*) of this section provide examples of the three different uses of the phrase ''(see List of Items Controlled)'' in ECCN headings. Each heading on the CCL uses one of these three structures. Understanding the relationship between the heading and the ''items'' paragraph is important when classifying items that are ''subject to the EAR'' on the CCL.

(*1*) ''(See List of Items Controlled)'' is at the end of the ECCN heading. An example of an ECCN where all of the heading text precedes the phrase ''(see List of Items Controlled)'' is ECCN 8A002 Marine systems, equipment, ''parts'' and ''components,'' as follows (see List of Items Controlled). ECCNs 1A001, 3A001, 6A001, 7A004 and 9A012 are other examples where all of the heading text precedes the phrase ''(see List of Items Controlled).'' In these types of headings, the items paragraphs must be reviewed to determine whether your item is contained within the heading and classified under that ECCN.

(*2*) ''(See List of Items Controlled)'' is in the middle of the ECCN heading. If the phrase ''(see List of Items Controlled)'' appears in the middle of the ECCN heading, then all portions of the heading that follow the phrase ''(see List of Items Controlled)'' will list items controlled in addition to the list in the ''items'' paragraph. An example of such a heading is ECCN 2B992 Non-''numerically controlled'' machine tools for generating optical quality surfaces, (see List of Items Controlled) and ''specially designed'' ''parts'' and ''components'' therefor. Under the ECCN 2B992 example, the ''items'' paragraph must be reviewed to determine whether your item is contained within the first part of the heading (''non-'numerically controlled' machine tools for generating optical quality surfaces'') and classified under 2B992. The second part of the ECCN 2B999 heading (''and 'specially designed' 'parts' and 'components' therefor'') contains the exclusive list described in the heading. ECCNs 1A006, 3B992, 4A001, 6A006 and 7A001 are other examples where the phrase ''(see List of Items Controlled)'' appears in the middle of the ECCN heading.

(*3*) ECCNs that do not use the phrase ''(see List of Items controlled).'' When all items classified in the ECCN are listed in the heading, a sentence is generally included in the ''items'' paragraph to direct you to the heading. An example of such a heading is ECCN 4E980 ''Technology'' for the ''development,'' ''production'' or ''use'' of commodities controlled by 4A980. ECCNs 0A982, 3A292, 5D101, 8D001 and 9A002 are other examples where the heading is the exclusive description of the items classified under those respective ECCNs.

* * * * *

■ 7. Section 738.4 is amended by revising paragraph (b)(2) to read as follows:

§ 738.4 Determining whether a license is required.

* * * * *

(b) * * *

(2) Sample CCL entry.

2A000 Entry heading.

License Requirements

Reason for Control: NS, NP, AT

Control(s)	*Country chart*
NS applies to entire entry.	NS Column 2
NP applies to 2A000.b.	NP Column 1
AT applies to entire entry.	AT Column 1

License Exceptions

LVS: $5,000
GBS: Yes
CIV: N/A

List of Items Controlled

Related Definitions: N/A
Related Controls: N/A
Items:

a. Having x.
b. Having z.

* * * * *

PART 740—[AMENDED]

■ 8. The authority citation for 15 CFR part 740 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* 22 U.S.C. 7201 *et seq.;* E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 8, 2013, 78, 2013, 78 FR 49107 (August 12, 2013).

■ 9. Section 740.6 is amended by revising paragraph (a)(1)(iii) to read as follows:

§ 740.6 Technology and software under restriction (TSR).

(a) * * *

(1) * * *

(iii) If the direct product of the technology is a complete plant or any major components of a plant, export to Country Groups D:1 or E:1 of the direct product of the plant or major components thereof, if such foreign produced direct product is subject to national security controls as identified on the CCL or is ''subject to the ITAR'' (see 22 CFR parts 120 through 130).

* * * * *

■ 10. Section 740.10 is amended by removing the second sentence to paragraph (a)(2)(ii) as revised April 16, 2013, at 78 FR 22712, effective October 15, 2013.

PART 742—[AMENDED]

■ 11. The authority citation for 15 CFR part 742 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* 22 U.S.C. 3201 *et seq.;* 42 U.S.C. 2139a; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; Sec. 1503, Pub. L. 108–11, 117 Stat. 559; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Presidential Determination 2003–23 of May 7, 2003, 68 FR 26459, May 16, 2003; Notice of November 1, 2012, 77 FR 66513 (November 5, 2012); Notice of August 8, 2013, 78, 2013, 78 FR 49107 (August 12, 2013).

■ 12. Section 742.2 is amended by revising paragraph (e) to read as follows:

§ 742.2 Proliferation of chemical and biological weapons.

* * * * *

(e) *License application requirements and instructions.* Unique application and submission requirements for chemicals, medicinals, and pharmaceuticals are described in paragraph (a) of Supplement No. 2 to part 748 of the EAR.

PART 748—[AMENDED]

■ 13. The authority citation for 15 CFR part 748 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* E.O. 13026, 61 FR 58767,

3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 15, 2012, 77 FR 49699 (August 16, 2012).

■ 14. Supplement No. 1 to Part 748 is amended by revising paragraphs e and f of Block 22 to read as follows:

Supplement No. 1 to Part 748—BIS–748P, BIS–748P–A; Item Appendix, and BIS–748P–B; End-User Appendix; Multipurpose Application Instructions

* * * * *

Block 22: * * *

(e) Quantity. Identify the quantity to be exported or reexported, in terms of the unit commonly used in the trade.

(f) Units. The unit of quantity used in Block 22(e) must be entered on all license applications submitted to BIS. This Block may be left blank on license applications for technology only.

* * * * *

PART 750—[AMENDED]

■ 15. The authority citation for 15 CFR part 750 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* Sec. 1503, Pub. L. 108–11, 117 Stat. 559; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Presidential Determination 2003–23 of May 7, 2003, 68 FR 26459, May 16, 2003; E.O. 13637, 78 FR 16129 (March 8, 2013); Notice of August 8, 2013, 78, 2013, 78 FR 49107 (August 12, 2013).

■ 16. Section 750.7 is amended by revising paragraphs (c)(1)(ii), (c)(1)(viii) and (f) to read as follows:

§ 750.7 Issuance of licenses.

* * * * *

(c) * * *

(1) * * *

(ii) Increase in price if permitted under the shipping tolerances in § 750.11 of this part;

* * * * *

(viii) Change in ECCN, where necessary only for the purpose of conforming to an official revision in the CCL; or wording of the item description. This does not cover an actual change in the item to be shipped, or an increase in the total price or quantity on the license.

* * * * *

(f) *Quantity of commodities authorized.* Unlike software and technology, commodities will be approved with a quantity and dollar value limit. Any license resulting from a license application to export or reexport commodities will be licensed in terms of the specified unit of quantity commonly used in trade. A total dollar value for the commodity will be authorized based on the per unit price of the commodity. Subject to the shipping tolerances authorized in § 750.11 of this part, the authorization is limited by both the quantity and value listed on the license.

* * * * *

■ 17. Section 750.11 is revised to read as follows:

§ 750.11 Shipping tolerances.

Under some circumstances, you may use a license issued for the export of items from the United States to export more than the value shown on that license. This additional amount is called a shipping tolerance. This section tells you, as the licensee, when you may take advantage of a shipping tolerance and the amount of shipping tolerance you are permitted to use.

(a) If you have already shipped the full quantity of items approved on your license, you may not use this shipping tolerance provision. No further shipment may be made under the license.

(b) If you have not shipped the full quantity of items approved on the license, the value of all of your shipments under one license, up to the full quantity approved on the license, may exceed the total dollar value stated on that license by up to 10%, unless;

(1) Your license stipulates a specific shipping tolerance; or

(2) Your item is controlled for short supply reasons and a different tolerance has been established. (See part 754 of the EAR).

PART 772—[AMENDED]

■ 18. The authority citation for 15 CFR part 772 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 8, 2013, 78, 2013, 78 FR 49107 (August 12, 2013).

■ 19. Section 772.1 is amended:

■ a. By revising the definition of ''build-to-print technology'' as added April 16, 2013, at 78 FR 22727, effective October 15, 2013;

■ b. By revising the definition of ''end item'' as added April 16, 2013, at 78 FR 22728, effective October 15, 2013;

■ c. By revising the definition of ''equipment'' as added April 16, 2013, at 78 FR 22728, effective October 15, 2013;

■ d. By adding a definition for the term ''subject to the ITAR;''

■ e. By amending the definition of ''specially designed'' as revised April 16, 2013, at 78 FR 22728–22729, effective October 15, 2013 to add one sentence at the end of Note 1 and to add a new Note to paragraphs (b)(3) and (b)(4) after Note 3 to paragraph (b)(3); and

■ f. By revising the definition of ''system'' as added April 16, 2013, at 78 FR 22729, effective October 15, 2013 and to add a new Note, to read as follows:

§ 772.1 Definitions of terms as used in the Export Administration Regulations (EAR).

* * * * *

Build-to-Print technology. (1) This is ''production'' ''technology'' that is sufficient for an inherently capable end user to produce or repair a commodity from engineering drawings without any of the following:

(i) Revealing ''development'' ''technology,'' such as design methodology, engineering analysis, detailed process or manufacturing know-how;

(ii) Revealing the production engineering or process improvement aspect of the ''technology;'' or

(iii) Requiring assistance from the provider of the technology to produce or repair the commodity.

(2) Acceptance, test, or inspection criteria pertaining to the commodity at issue is included within the scope of ''build-to-print technology'' only if it is necessary to verify that the commodity is acceptable.

* * * * *

End item. This is a system, equipment or assembled commodity ready for its intended use. Only ammunition, or fuel or other energy source is required to place it in an operating state. Examples of end items include ships, aircraft, computers, firearms, and milling machines.

* * * * *

Equipment. This is a combination of parts, components, accessories, attachments, firmware, or software that operate together to perform a function of, as, or for an end item or system. Equipment may be a subset of ''end items'' based on the characteristics of the equipment. Equipment that meets the definition of an end-item is an end-item. Equipment that does not meet the definition of an end-item is a part, component, accessory, attachment, firmware, or software.

* * * * *

Subject to the ITAR. A term used in the EAR to describe those commodities, software, technology (e.g., technical data) and defense services over which the U.S. Department of State, Directorate of Defense Trade Controls (DDTC) exercises regulatory jurisdiction under the International Traffic in Arms Regulations (ITAR) (see 22 CFR parts 120 through 130).

* * * * *

Specially designed. * * *

* * * * *

(a) * * *

* * * * *

Note 1: * * * For purposes of ''specially designed,'' ECCNs 0B986, 0B999, 0D999, 1B999, 1C992, 1C995, 1C997, 1C999, 6A998 (except for .b), 7A994 (except for the QRS11) and 9A991 are treated as ECCNs controlled exclusively for AT reasons.

* * * * *

Note to paragraphs (b)(3) and (b)(4): ECCNs controlled for AT-only reasons that use ''specially designed'' are eligible for paragraphs (b)(3) and (b)(4). However, the criteria for release under (b)(3) or (b)(4) must be met by another ECCN controlled for AT-only reasons or an EAR99 item in addition to the AT-only ECCN being reviewed for release from ''specially designed.'' For example, if a single gasket is used in ECCN 9A990 tractors (9A990 includes a control on ''specially designed'' ''parts'') and also pick-up trucks designated as EAR99 that are in ''production'', the single gasket would be released from ''specially designed'' on the basis of paragraph (b)(3). Or if the single gasket is or was used in 9A990 tractors and also 9A991.b aircraft (another AT-only controlled ECCN), that are in ''production,'' the gasket would be released from ''specially designed'' on the basis of paragraph (b)(3). Alternatively, if the single gasket is or was only used in ECCN 9A990 tractors that are in ''production,'' then paragraph (b)(3) would not be available. This same concept applies for paragraph (b)(4).

* * * * *

System. This is any combination of ''end items,'' ''equipment,'' ''parts,'' ''components,'' ''accessories,'' ''attachments,'' firmware, or ''software'' that operate together to perform a function.

Note: The industrial standards established by INCOSE and NASA provide examples for when commodities and software operate together to perform a function as a system. References to these standards are included in this note to provide additional examples for when commodities or software operate together to perform a function as a system. See the INCOSE standards for what constitutes a system at (*http://g2sebok.incose.org/app/mss/asset.cfm?ID=INCOSE%20G2SEBOK%202.00&ST=F*), and in the (INCOSE SE Handbook v3.1 2007; ISO/IEC 15288:2008). Also see the NASA standards for examples of what constitutes a system in the (NASA SE Handbook SP–2007–6105 Rev 1).

PART 774—[AMENDED]

■ 20. The authority citation for 15 CFR part 774 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* 10 U.S.C. 7420; 10 U.S.C. 7430(e); 22 U.S.C. 287c, 22 U.S.C. 3201 *et seq.;* 22 U.S.C. 6004; 30 U.S.C. 185(s), 185(u); 42 U.S.C. 2139a; 42 U.S.C. 6212; 43 U.S.C. 1354; 15 U.S.C. 1824a; 50 U.S.C. app. 5; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 8, 2013, 78, 2013, 78 FR 49107 (August 12, 2013).

■ 21. Revise § 774.1 to read as follows:

§ 774.1 Introduction.

(a) *Scope of the control list.* In this part, references to the EAR are references to 15 CFR chapter VII, subchapter C. The Bureau of Industry and Security (BIS) maintains the Commerce Control List (CCL) that includes ''items''—i.e., ''commodities,'' ''software,'' and ''technology''—subject to the authority of BIS. The CCL does not include items exclusively controlled for export by another department or agency of the U.S. Government, though in instances where other agencies administer controls over related items, entries in the CCL may contain a reference to such controls. In addition, those items ''subject to the EAR'' but not identified on the CCL are identified by the designator ''EAR99.'' See § 734.2(a) of the EAR for items that are ''subject to the EAR.'' EAR Part 738 contains an explanation of the organization of the CCL and its relationship to the Country Chart.

(b) *ECCN cross-references for items subject to exclusive jurisdiction of another agency.* (1) Prior to October 15, 2013, the CCL contained certain ECCNs that were only included as cross references to items subject to the export control regulations administered by the Nuclear Regulatory Commission.

(2) ECCNs formerly listed on the CCL that, as of October 15, 2013 were subject to the export licensing authority of the Nuclear Regulatory Commission at 10 CFR part 110 are: 0A001, 0B001, 0B002, 0B003, 0B004, 0B005, 0B006, 0C001, 0C002, 0C004, 0C005, 0C006, 0C201 and 1C012.

(3) Multilateral export control regime references are provided, as an additional point of historical reference.

Note to paragraph (b): As of October 15, 2013 ECCN 0D001 is subject to the export licensing authority of the Nuclear Regulatory Commission (see 10 CFR part 110), and ECCN 0E001 is subject to the export licensing authority of the Department of Energy (see 10 CFR part 810), but certain portions of these entries are also ''subject to the ITAR'' (see 22 CFR parts 120 through 130). These ECCNs are retained on the CCL as a cross reference.

(c) *Where to find the CCL?* The CCL is contained in Supplement No. 1 to this part, and Supplement No. 2 to this part contains the General Technology and Software Notes relevant to entries contained in the CCL.

(d) *Conventions related to the use of quotation marks on the CCL.* The use of double quotation marks on the CCL is intended to be an aid to alert you to terms used on the CCL that are defined in part 772 (Definitions of Terms), or for purposes of ECCNs, where a definition is provided in the ''related definitions'' paragraph in the License Requirements section of ECCNs or sometimes in Notes and Technical Notes for particular ECCNs and that definition is specific to that particular ECCN. In this sense the quotes are helpful both in the use of single and double quotes, but a good compliance practice is to familiarize yourself with the defined terms in part 772, and when reviewing a control parameter on the CCL that uses a term that is not in quotes to be aware it may be defined in part 772. It is also a useful compliance practice to review the ''Related Definitions'' paragraph and Notes and Technical Notes to determine if the term is defined for purposes of a particular ECCN.

(1) *Use of double quotes.* If a term on the CCL uses double quotes it means there is a defined term in part 772. However, the absence of double quotes does not mean that a term used on the CCL is not defined in part 772. Because the CCL includes many terms that are defined in part 772, BIS's practice is to use double quotes for certain key terms and to use double quotes when needed for consistency with multilateral export control regime based entries, such as many derived from control lists, in particular for the Wassenaar Arrangement that also uses the double quotes convention. However, because of the large number of defined terms used on the CCL and a desire to avoid hindering readability by placing quotes around too many words used in particular ECCNs, BIS's practice is to not add double quotes around certain terms, such as items and commodities. This convention also applies to the use of double quotes within the Definition of Terms section under part 772.

(2) *Use of single quotes.* The CCL also includes a convention regarding the use of single quotes. Single quotes on the CCL identify a term as a defined term in the context of a particular ECCN. This convention also applies to the use of single quotes within the Definition of Terms section under part 772.

Supplement No. 1 to Part 774—[Amended]

■ 22. Supplement No. 1 to part 774 (the Commerce Control List) is amended by removing the following Export Control Classification Numbers (ECCNs): 0A001, 0B001, 0B002, 0B003, 0B004, 0B005, 0B006, 0C001, 0C002, 0C004, 0C005, 0C006, 0C201 and 1C012.

■ 23. Supplement No. 1 to part 774 (the Commerce Control List) is amended by adding the new section heading ''Special Conditions for STA'' above the STA paragraph of the following Export Control Classification Numbers (ECCNs): 1A002, 1C001, 1C007, 1C010, 1D002, 1E001, 1E002, 2D001, 2E001, 2E002, 3A002, 3D001, 3E001, 4A001, 4D001, 4E001, 5A001, 5B001, 5D001, 5E001, 6A001, 6A002, 6A003, 6A004, 6A006, 6A008, 6B008, 6D001, 6D003, 6E001, 6E002, 7D003, 7D004, 7E001, 7E002, 7E004, 8A001, 8A002, 8D001, 8D002, 8E001, 8E002, 9B001, 9D001, 9D002, 9D004, 9E001, 9E002, and 9E003.

■ 24. Supplement No. 1 to part 774 (the Commerce Control List) is amended by adding the new section heading ''Special Conditions for STA'' above the STA paragraph of the following Export Control Classification Numbers (ECCNs): 9A610, 9A619, 9B610, 9B619, 9C610, 9C619, 9D610, 9D619, 9E610 and 9E619, as added April 16, 2013, at 78 FR 22730–22734, effective October 15, 2013.

■ 25. Supplement No. 1 to part 774 (the Commerce Control List) is amended by adding the new section heading ''Special Conditions for STA'' above the STA paragraph of the following Export Control Classification Numbers (ECCNs): 0A606, 0A617, 0B606, 0B617, 0C606, 0C617, 0D606, 0D617, 0D617, 0E606, 0E617, 8A609, 8A620, 8B609, 8B620, 8C609, 8D609, 8D620, 8E609, and 8E620, as added July 8, 2013, at 78 FR 40912–40918, effective January 6, 2014;

■ 26. Supplement No. 1 to part 774 (the Commerce Control List) is amended by removing the section headings ''License Exceptions'' from Export Control Classification Numbers (ECCNs) wherever they appear, and adding in place of those headings ''List Based License Exceptions (See Part 740 for a description of all license exceptions).''

■ 27. Supplement No. 1 to part 774 (the Commerce Control List) is amended by removing the section headings ''License Exceptions'' from Export Control Classification Numbers (ECCNs): 9A610, 9A619, 9B610, 9B619, 9C610, 9C619, 9D610, 9D619, 9E610, and 9E619, as added April 16, 2013, at 78 FR 22730–22734, effective October 15, 2013, and adding in place of those headings ''List Based License Exceptions (See Part 740 for a description of all license exceptions).''

■ 28. Supplement No. 1 to part 774 (the Commerce Control List) is amended by removing the section headings ''License Exceptions'' from Export Control Classification Numbers (ECCNs): 0A606, 0A617, 0B606, 0B617, 0C606, 0C617, 0D606, 0D617, 0E606, 0E617, 8A609, 8A620, 8B609, 8B620, 8C609, 8D609, 8D620, 8E609, and 8E620, as added July 8, 2013, at 78 FR 40912–40918, effective January 6, 2014, and adding in place of those headings ''List Based License Exceptions (See Part 740 for a description of all license exceptions).''

■ 29. Supplement No. 1 to part 774 (the Commerce Control List) is amended by removing the ''Country Chart'' table heading in the License Requirements section in each Export Control Classification Number (ECCN) where such paragraph appears and adding in its place the heading ''Country Chart (See Supp. No. 1 to part 738).''

■ 30. Supplement No. 1 to part 774 (the Commerce Control List) is amended by removing the ''Country Chart'' table heading in the License Requirements section from Export Control Classification Numbers (ECCNs): 9A610, 9A619, 9B610, 9B619, 9C610, 9C619, 9D610, 9D619, 9E610, and 9E619, as added April 16, 2013, at 78 FR 22730–22734, effective October 15, 2013, and adding in its place the heading ''Country Chart (See Supp. No. 1 to part 738).''

■ 31. Supplement No. 1 to part 774 (the Commerce Control List) is amended by removing the ''Country Chart'' table heading in the License Requirements section from Export Control Classification Numbers (ECCNs): 0A606, 0A617, 0B606, 0B617, 0C606, 0C617, 0D606, 0D617, 0D617, 0E606, 0E617, 8A609, 8A620, 8B609, 8B620, 8C609, 8D609, 8D620, 8E609, and 8E620, as added July 8, 2013, at 78 FR 40912–40918, effective January 6, 2014, and adding in its place the heading ''Country Chart (See Supp. No. 1 to part 738).''

■ 32. Supplement No. 1 to part 774 (the Commerce Control List) is amended by adding quotes around the term specially designed wherever it appears.

■ 33. Supplement No. 1 to part 774 (the Commerce Control List) is amended by adding quotes around the term accessories wherever it appears.

■ 34. Supplement No. 1 to part 774 (the Commerce Control List) is amended by adding quotes around the term attachments wherever it appears.

■ 35. Supplement No. 1 to part 774 (the Commerce Control List) is amended:

■ a. By removing the ''Unit'' paragraph from the List of Items Controlled section in each Export Control Classification Number (ECCN) where such paragraph appears;

■ b. By removing the ''Unit'' paragraph from the List of Items Controlled section in Export Control Classification Numbers (ECCNs): 9A610, 9A619, 9B610, 9B619, 9C610, 9C619, 9D610, 9D619, 9E610, and 9E619, as added April 16, 2013, at 78 FR 22730–22734, effective October 15, 2013; and

■ c. By removing the ''Unit'' paragraph from the List of Items Controlled section in Export Control Classification Numbers (ECCNs): 0A606, 0A617, 0B606, 0B617, 0C606, 0C617, 0D606, 0D617, 0E606, 0E617, 8A609, 8A620, 8B609, 8B620, 8C609, 8D609, 8D620, 8E609, and 8E620, as added July 8, 2013, at 78 FR 40912–40918, effective January 6, 2014.

■ 36. Supplement No. 1 to part 774 (the Commerce Control List) is amended:

■ a. By removing the ''License Requirements Note'' paragraph in the License Requirements section in the following Export Control Classification Number (ECCNs): 1E001;

■ b. By removing the ''License Requirement Notes'' paragraphs in the License Requirements section in the following Export Control Classification Numbers (ECCNs): 1A002, 1C007, 1C010, 1D002, 2B003, 2D001, 2E001, 2E002, 3A002, 3B001, 3D001, 4A001, 4E001, 5A001, 5B001, 5D001, 5E001, 6A001, 6A002, 6A004, 6A006, 6A008, 6B008, 6D001, 6D003, 6E001, 6E002, 8A001, 8A002, 8D001, 8D002, 8E001, 8E002, 9B001, 9D001, 9D002, 9E001, 9E002 and 9E003; and

■ c. By removing the ''License Requirement Note'' paragraphs in the License Requirements section in the following Export Control Classification Numbers (ECCNs): 1E002 and 3E001.

■ 37. Supplement No. 1 to part 774 (the Commerce Control List) is amended by adding the new section ''REPORTING REQUIREMENTS See § 743.1 of the EAR for reporting requirements for exports under License Exceptions, Special Comprehensive Licenses, and Validated End-User authorizations'' after the License Requirements section in the following Export Control Classification Numbers (ECCNs): 1A002, 1C001, 1C007, 1C010, 1D002, 1E001, 1E002, 2B003, 2D001, 2E001, 2E002, 3A002, 3D001, 3E001, 4A001, 4D001, 4E001, 5A001, 5B001, 5D001, 5E001, 6A001, 6A002, 6A004, 6A006, 6A008, 6B008, 6D001, 6D003, 6E001, 6E002, 7D002, 7D003, 7E001, 7E002, 8A001, 8A002, 8D001, 8D002, 8E001, 8E002, 9B001, 9D001, 9D002, 9E001, 9E002 and 9E003.

■ 38. In Supplement No. 1 to part 774 (the Commerce Control List), Category 0—Nuclear Materials, Facilities & Equipment (and Miscellaneous Items), Export Control Classification Number (ECCN) 0A002 is amended by revising the heading to read as follows:

0A002 Power generating or propulsion equipment ''specially designed'' for use with space, marine or mobile ''nuclear reactors''. (These items are ''subject to the ITAR.'' See 22 CFR parts 120 through 130.)

* * * * *

■ 39. In Supplement No. 1 to part 774 (the Commerce Control List), Category 0—Nuclear Materials, Facilities & Equipment (and Miscellaneous Items), Export Control Classification Number (ECCN) 0A018 is amended by revising the heading to read as follows:

0A018 Items on the Wassenaar Munitions List (see List of Items Controlled).

* * * * *

■ 40. In Supplement No. 1 to part 774 (the Commerce Control List), Category 0—Nuclear Materials, Facilities & Equipment (and Miscellaneous Items), Export Control Classification Number (ECCN) 0A979 is amended by revising the heading to read as follows:

0A979 Police helmets and shields; and ''specially designed'' ''components,'' n.e.s.

* * * * *

■ 41. In Supplement No. 1 to part 774 (the Commerce Control List), Category 0—Nuclear Materials, Facilities & Equipment (and Miscellaneous Items), Export Control Classification Number (ECCN) 0A981 is amended by revising the heading to read as follows:

0A981 Equipment designed for the execution of human beings as follows (see List of Items Controlled).

* * * * *

■ 42. In Supplement No. 1 to part 774 (the Commerce Control List), Category 0—Nuclear Materials, Facilities & Equipment (and Miscellaneous Items), Export Control Classification Number (ECCN) 0A982 is amended by revising the heading to read as follows:

0A982 Law enforcement restraint devices, including leg irons, shackles, and handcuffs; straight jackets; stun cuffs; shock belts; shock sleeves; multipoint restraint devices such as restraint chairs; and ''specially designed'' ''parts,'' ''components'' and ''accessories,'' n.e.s.

* * * * *

■ 43. In Supplement No. 1 to part 774 (the Commerce Control List), Category 0—Nuclear Materials, Facilities & Equipment (and Miscellaneous Items), Export Control Classification Number (ECCN) 0A983 is amended by revising the heading to read as follows:

0A983 ''Specially designed'' implements of torture, including thumbscrews, thumbcuffs, fingercuffs, spiked batons, and ''specially designed'' ''parts,'' ''components'' and ''accessories,'' n.e.s.

* * * * *

■ 44. In Supplement No. 1 to part 774 (the Commerce Control List), Category 0—Nuclear Materials, Facilities & Equipment (and Miscellaneous Items), Export Control Classification Number (ECCN) 0A984 is amended:

■ a. By revising the first ''CC'' paragraph in the Control(s) paragraph of the License Requirements section; and

■ b. By revising the ''Related Controls'' paragraph in the List of Items Controlled section to read as follows:

0A984 Shotguns with barrel length 18 inches (45.72 cm) or over; receivers; barrels of 18 inches (45.72 cm) or longer but not longer than 24 inches (60.96 cm); complete trigger mechanisms; magazines and magazine extension tubes; complete breech mechanisms; buckshot shotgun shells; except equipment used exclusively to treat or tranquilize animals, and except arms designed solely for signal, flare, or saluting use.

License Requirements

Reason for Control: * * *

Control(s)	*Country chart*
* * * * *	
CC applies to shotguns with a barrel length greater than or equal to 18 in. (45.72 cm), but less than 24 in. (60.96 cm), shotgun ''components'' controlled by this entry, and buckshot shotgun shells controlled by this entry, regardless of end-user.	CC Column 1
* * * * *	

* * * * *

List of Items Controlled

* * * * *

Related Controls: This entry does not control shotguns with a barrel length of less than 18 inches (45.72 cm). These items are ''subject to the ITAR'' (see 22 CFR parts 120 through 130).

* * * * *

■ 45. In Supplement No. 1 to part 774 (the Commerce Control List), Category 0—Nuclear Materials, Facilities & Equipment (and Miscellaneous Items), Export Control Classification Number (ECCN) 0A985 is amended by revising the heading to read as follows:

0A985 Discharge type arms and devices to administer electric shock, for example, stun guns, shock batons, shock shields, electric cattle prods, immobilization guns and projectiles; except equipment used exclusively to treat or tranquilize animals, and except arms designed solely for signal, flare, or saluting use; and ''specially designed'' ''parts'' and ''components,'' n.e.s.

* * * * *

■ 46. In Supplement No. 1 to part 774 (the Commerce Control List), Category 0—Nuclear Materials, Facilities & Equipment (and Miscellaneous Items), Export Control Classification Number (ECCN) 0A986 is amended by revising the heading to read as follows:

0A986 Shotgun shells, except buckshot shotgun shells, ''specially designed'' ''parts'' and ''components.''

* * * * *

■ 47. In Supplement No. 1 to part 774 (the Commerce Control List), Category 0—Nuclear Materials, Facilities & Equipment (and Miscellaneous Items), Export Control Classification Number (ECCN) 0A987 is amended by revising the heading to read as follows:

0A987 Optical sighting devices for firearms (including shotguns controlled by 0A984); and ''components'' as follows (see List of Items Controlled).

* * * * *

■ 48. In Supplement No. 1 to part 774 (the Commerce Control List), Category 0—Nuclear Materials, Facilities & Equipment (and Miscellaneous Items), Export Control Classification Number (ECCN) 0D001 is amended:

■ a. By revising the heading; and

■ b. By revising the second Control(s) paragraph in the License Requirements section to read as follows:

0D001 ''Software'' ''specially designed'' or modified for the ''development,'' ''production'' or ''use'' of commodities described in 0A001, 0A002, 0B (except 0B986 and 0B999), or 0C.

License Requirements

Reason for Control:
Control(s)

* * * * *

''Software'' for items described in 0A002 is ''subject to the ITAR'' (see 22 CFR parts 120 through 130).

* * * * *

■ 49. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' Export Control Classification Number (ECCN) 1A001 is amended:

■ a. By revising the heading; and

■ b. By revising the ''Related Controls'' paragraph (1) in the List of Items Controlled section to read as follows:

1A001 ''Parts'' and ''components'' made from fluorinated compounds, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Related Controls: (1) Items specially designed or modified for missiles or for items on the U.S. Munitions List are ''subject to the ITAR'' (see 22 CFR parts 120 through 130, including USML Category XXI).

* * * * *

■ 50. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' Export Control Classification Number (ECCN) 1A002 is amended by revising the ''Related Controls'' paragraph (3) in the List of Items Controlled section to read as follows:

1A002 ''Composite'' structures or laminates, having any of the following (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Related Controls: * * * (3) ''Composite'' structures ''specially designed'' for missile applications (including ''specially designed'' subsystems, ''parts,'' and ''components'') are controlled by ECCN 9A110.

* * * * *

■ 51. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' Export Control Classification Number (ECCN) 1A004 is amended:

■ a. By revising the heading;

■ b. By revising ''Related Controls'' paragraph (4) in the List of Items Controlled section;

■ c. By revising the introductory text of ''items'' paragraphs a and c in the List of Items Controlled section; and

■ d. By revising Technical Notes ''1'' at the end of the List of Items Controlled section to read as follows:

1A004 Protective and detection equipment and ''components,'' not ''specially designed'' for military use, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Related Controls: * * * (4) Chemical and biological protective and detection equipment specifically designed, developed, modified, configured, or adapted for military applications is ''subject to the ITAR'' (see 22 CFR parts 120 through 130, including USML Category XIV(f)), as is commercial equipment that incorporates ''parts'' or ''components'' controlled under that category except for domestic preparedness devices for individual protection that integrate ''components'' and ''parts'' identified in USML Category XIV(f)(4) when such ''parts'' or ''components'' are: (i) Integral to the device; (ii) inseparable from the device; and (iii) incapable of replacement without compromising the effectiveness of the device, in which case the equipment is ''subject to the EAR'' under ECCN 1A004.

Related Definitions: * * *

Items:

* * * * *

a. Full face masks, filter canisters and decontamination equipment therefor, designed or modified for defense against any of the following, and ''specially designed'' ''components'' therefor:

* * * * *

c. Detection systems, ''specially designed'' or modified for detection or identification of any of the following, and ''specially designed'' ''components'' therefor:

* * * * *

Technical Notes:

1. 1A004 includes equipment, ''components'' that have been 'identified,' successfully tested to national standards or otherwise proven effective, for the detection of or defense against radioactive materials ''adapted for use in war,'' biological agents ''adapted for use in war,'' chemical warfare agent, 'simulants' or ''riot control agents,'' even if such equipment or ''components'' are used in civil industries such as mining, quarrying, agriculture, pharmaceuticals, medical, veterinary, environmental, waste management, or the food industry.

* * * * *

■ 52. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' Export Control Classification Number (ECCN) 1A005 is amended:

■ a. By revising the heading;

■ b. By revising the ''Related Controls'' paragraph (1) in the List of Items Controlled section; and

■ c. By revising ''items'' paragraph a in the List of Items Controlled section to read as follows:

1A005 Body armor and ''specially designed'' ''components'' therefor, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Related Controls: (1) Bulletproof and bullet resistant vests (body armor) NIJ levels III and IV, are ''subject to the ITAR'' (see 22 CFR parts 120 through 130, including USML Categories X(a) and XIII(e)). * * *

Related Definitions: * * *

Items:

a. Soft body armor not manufactured to military standards or specifications, or to their equivalents, and ''specially designed'' components therefor;

* * * * *

■ 53. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' Export Control Classification Number (ECCN) 1A006 is amended:

■ a. By revising the heading; and

■ b. By revising the ''Related Controls'' paragraph in the List of Items Controlled section to read as follows:

1A006 Equipment, ''specially designed'' or modified for the disposal of improvised explosive devices, as follows (see List of Items Controlled), and ''specially designed'' ''components'' and ''accessories'' therefor.

* * * * *

List of Items Controlled

* * * * *

Related Controls: Equipment ''specially designed'' for military use for the disposal of improvised explosive devices is ''subject to the ITAR'' (see 22 CFR parts 120 through 130, including USML Category IV).

* * * * *

■ 54. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' Export Control Classification Number (ECCN) 1A007 is amended by revising the ''Related Controls'' paragraph in the List of Items Controlled section to read as follows:

1A007 Equipment and devices, ''specially designed'' to initiate charges and devices containing energetic materials, by electrical means, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Related Controls: (1) Equipment and devices ''specially designed'' for military use are ''subject to the ITAR'' (see 22 CFR parts 120 through 130). (2) This entry does not control detonators using only primary explosives, such as lead azide. (3) See also 3A229. (4) See 1E001 for ''development'' and ''production'' technology controls, and 1E201 for ''use'' technology controls.

* * * * *

■ 55. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' Export Control Classification Number (ECCN) 1A008 is amended:

■ a. By revising the heading;

■ b. By revising the introductory text of ''Related Controls'' paragraph (1) and the ''Related Controls'' paragraph (2) in the List of Items Controlled section; and

■ c. By revising the introductory text of ''items'' paragraph b in the List of Items Controlled section to read as follows:

1A008 Charges, devices and ''components,'' as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Related Controls: (1) All of the following are ''subject to the ITAR'' (see 22 CFR parts 120 through 130):

* * * * *

(2) See also ECCNs *1C011, 1C018, 1C111,* and *1C239* for additional controlled energetic materials. See ECCN *1E001* for the ''development'' or ''production'' ''technology'' for the commodities controlled by ECCN 1A008, but not for explosives or commodities that are ''subject to the ITAR.''

* * * * *

Items:

* * * * *

b. Linear shaped cutting charges having all of the following, and ''specially designed'' ''components'' therefor:

* * * * *

■ 56. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' Export Control Classification Number (ECCN) 1A101 is amended:

■ a. By revising the heading; and

■ b. By revising the ''Related Controls'' paragraph in the List of Items Controlled to read as follows:

1A101 Devices for reduced observables such as radar reflectivity, ultraviolet/infrared signatures and acoustic signatures, for applications usable in rockets, missiles, or unmanned aerial vehicles capable of achieving a ''range'' equal to or greater than 300 km or their complete subsystems.

* * * * *

List of Items Controlled

* * * * *

Related Controls: (1) See also *1C101.* (2) For commodities that meet the definition of defense articles under 22 CFR 120.3 of the International Traffic in Arms Regulations (ITAR), which describes similar commodities ''subject to the ITAR'' (See 22 CFR parts 120 through 130, including USML Category XIII).

* * * * *

■ 57. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' Export Control Classification Number (ECCN) 1A102 is amended by revising the heading to read as follows:

1A102 Resaturated pyrolized carbon-carbon ''parts'' and ''components'' designed for rockets, missiles, or unmanned aerial vehicles capable of achieving a ''range'' equal to or greater than 300 km. (These items are ''subject to the ITAR.'' See 22 CFR parts 120 through 130.)

* * * * *

■ 58. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' Export Control Classification Number (ECCN) 1A290 is amended by revising the ''Related Controls'' paragraphs (1) and (3) in the List of Items Controlled section to read as follows:

1A290 Depleted uranium (any uranium containing less than 0.711% of the isotope U–235) in shipments of more than 1,000 kilograms in the form of shielding contained in X-ray units, radiographic exposure or teletherapy devices, radioactive thermoelectric generators, or packaging for the transportation of radioactive materials.

* * * * *

List of Items Controlled

* * * * *

Related Controls: (1) This entry does not control depleted uranium in fabricated forms for use in munitions. See 22 CFR part 121 for depleted uranium ''subject to the ITAR'' * * * (3) ''Natural uranium'' or ''depleted uranium'' or thorium in the form of metal, alloy, chemical compound or concentrate and any other material containing one or more of the foregoing are subject to the export licensing authority of the Nuclear Regulatory Commission (see 10 CFR part 110).

* * * * *

■ 59. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' Export Control Classification Number (ECCN) 1A985 is amended by revising the ''Related Controls'' paragraph in the List of Items Controlled section to read as follows:

1A985 Fingerprinting powders, dyes, and inks.

* * * * *

List of Items Controlled

* * * * *

Related Controls: See 3A981.

* * * * *

■ 60. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' Export Control Classification Number (ECCN) 1A995 is amended by revising the heading to read as follows:

1A995 Protective and detection equipment not ''specially designed'' for military use and not controlled by ECCN 1A004 or ECCN 2B351, as follows (see List of Items Controlled), and ''parts'' and ''components'' not ''specially designed'' for military use and not controlled by ECCN 1A004 or ECCN 2B351 therefor.

* * * * *

■ 61. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' Export Control Classification Number (ECCN) 1B001 is amended:

■ a. By revising the heading; and

■ b. By revising ''items'' paragraph f.2 in the List of Items Controlled section to read as follows:

1B001 Equipment for the production or inspection of ''composite'' structures or laminates controlled by 1A002 or ''fibrous or filamentary materials'' controlled by 1C010, as follows (see List of Items Controlled), and ''specially designed'' ''components'' and ''accessories'' therefor.

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

f.2. Numerically controlled ultrasonic testing machines of which the motions for positioning transmitters or receivers are simultaneously coordinated and programmed in four or more axes to follow the three dimensional contours of the ''part'' or ''component'' under inspection;

* * * * *

■ 62. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' Export Control Classification Number (ECCN) 1B003 is amended:

■ a. By revising ''Related Controls'' paragraph in the List of Items Controlled section; and

■ b. By revising ''items'' paragraph c in the List of Items Controlled section to read as follows:

1B003 Tools, dies, molds or fixtures, for ''superplastic forming'' or ''diffusion bonding'' titanium, aluminum or their alloys, ''specially designed'' for the manufacture of any of the following (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Related Controls: For ''specially designed'' production equipment of systems, subsystems, and ''parts'' and ''components'' controlled by 9A005 to 9A009, 9A011, 9A101, 9A105 to 9A109, 9A111, and 9A116 to 9A120 usable in ''missiles,'' see 9B115.

* * * * *

Items:

* * * * *

c. ''Specially designed'' ''parts'' and ''components'' for structures specified by 1B003.a or for engines specified by 1B003.b.

* * * * *

■ 63. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' Export Control Classification Number (ECCN) 1B018 is amended by revising the heading to read as follows:

1B018 Items on the Wassenaar Arrangement Munitions List (see List of Items Controlled).

* * * * *

■ 64. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' Export Control Classification Number (ECCN) 1B101 is amended:

■ a. By revising the heading; and

■ b. By revising ''Related Definitions'' paragraph in the List of Items Controlled section to read as follows:

1B101 Equipment, other than that controlled by 1B001, for the ''production'' of structural composites, fibers, prepregs or preforms, usable for rockets, missiles, or unmanned aerial vehicles capable of achieving a ''range'' equal to or greater than 300 km and their subsystems, as follows (see List of Items Controlled); and ''specially designed'' ''parts,'' ''components'' and ''accessories'' therefor.

* * * * *

List of Items Controlled

* * * * *

Related Definitions: Examples of ''parts,'' ''components'' and accessories for the machines controlled by this entry are molds, mandrels, dies, fixtures and tooling for the preform pressing, curing, casting, sintering or bonding of composite structures, laminates and manufactures thereof.

* * * * *

■ 65. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' Export Control Classification Number (ECCN) 1B102 is amended:

■ a. By revising the heading; and

■ b. By revising the introductory text of ''items'' paragraph b in List of Items Controlled section to read as follows:

1B102 Metal powder ''production equipment,'' other than that specified in 1B002, and ''parts'' and ''components'' as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

b. ''Specially designed'' ''parts'' and ''components'' for ''production equipment'' specified in 1B002 or 1B102.a.

* * * * *

■ 66. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' Export Control Classification Number (ECCN) 1B115 is amended by revising the heading to read as follows:

1B115 Equipment, other than that controlled in 1B002 or 1B102, for the ''production'' of propellant or propellant constituents (see List of Items Controlled), and ''specially designed'' ''parts'' and ''components'' therefor.

* * * * *

■ 67. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' Export Control Classification Number (ECCN) 1B117 is amended:

■ a. By revising the heading; and

■ b. By revising the ''Related Controls'' paragraph in the List of Items Controlled section to read as follows:

1B117 Batch mixers with provision for mixing under vacuum in the range from zero to 13.326 kPa and with temperature control capability of the mixing chamber and having all of the following characteristics (see List of Items Controlled), and ''specially designed'' ''parts'' and ''components'' therefor.

* * * * *

List of Items Controlled

* * * * *

Related Controls: See 1B115, 1B118, and 1B119.

* * * * *

■ 68. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' Export Control Classification Number (ECCN) 1B118 is amended:

■ a. By revising the heading; and

■ b. By revising the ''Related Controls'' paragraph in the List of Items Controlled section to read as follows:

1B118 Continuous mixers with provision for mixing under vacuum in the range from zero to 13.326 kPa and with temperature control capability of the mixing chamber and having any of the following characteristics (see List of Items Controlled), and ''specially designed'' ''parts'' and ''components'' therefor.

* * * * *

List of Items Controlled

* * * * *

Related Controls: See 1B115, 1B117, and 1B119.

* * * * *

■ 69. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' Export Control Classification Number (ECCN) 1B119 is amended:

■ a. By revising the heading; and

■ b. By revising the ''Related Controls'' paragraph in the List of Items Controlled section to read as follows:

1B119 Fluid energy mills usable for grinding or milling propellant or propellant constituents specified in 1C011.a, 1C011.b or 1C111, or on the U.S. Munitions List, and ''specially designed'' ''parts'' and ''components'' therefor.

* * * * *

List of Items Controlled

* * * * *

Related Controls: See 1B115, 1B117 and 1B118.

* * * * *

■ 70. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' Export Control Classification Number (ECCN) 1B225 is amended by revising the ''Related Controls'' paragraph in the List of Items Controlled section to read as follows:

1B225 Electrolytic cells for fluorine production with a production capacity greater than 250 g of fluorine per hour.

* * * * *

List of Items Controlled

* * * * *

Related Controls: (1) See ECCNs *1E001* (''development'' and ''production'') and *1E201* (''use'') for technology for items controlled by this entry. (2) See ECCN 1B999 for specific processing equipment, n.e.s.

* * * * *

■ 71. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' Export Control Classification Number (ECCN) 1C002 is amended by revising ''items'' paragraph c.1.a in the List of Items Controlled section to read as follows:

1C002 Metal alloys, metal alloy powder and alloyed materials, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

c.1.a. Nickel alloys (Ni-Al-X, Ni-X-Al) qualified for turbine engine ''parts'' or ''components,'' i.e. with less than 3 non-metallic particles (introduced during the manufacturing process) larger than 100 μm in 10^9 alloy particles;

* * * * *

■ 72. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' Export Control Classification Number (ECCN) 1C011 is amended by revising the introductory text of the ''Related Controls'' paragraph (2) in the List of Items Controlled section to read as follows:

1C011 Metals and compounds, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Related Controls: * * * (2) All of the following are ''subject to the ITAR'' (see 22 CFR parts 120 through 130): * * *

* * * * *

■ 73. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' Export Control Classification Number (ECCN) 1C101 is amended by revising the ''Related Controls'' paragraph (3) in the List of Items Controlled section to read as follows:

1C101 Materials for Reduced Observables such as Radar Reflectivity, Ultraviolet/Infrared Signatures and Acoustic Signatures (i.e., Stealth Technology), Other than Those Controlled by 1C001, for applications usable in rockets, missiles, or unmanned aerial vehicles capable of achieving a ''range'' equal to or greater than 300 km, and their subsystems.

* * * * *

List of Items Controlled

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Related Controls: * * * (3) For commodities that meet the definition of defense articles under 22 CFR 120.3 of the International Traffic in Arms Regulations (ITAR), which describes similar commodities ''subject to the ITAR'' (See 22 CFR parts 120 through 130, including USML Category XIII).

* * * * *

■ 74. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' Export Control Classification Number (ECCN) 1C102 is amended by revising the heading to read as follows:

1C102 Resaturated pyrolized carbon-carbon materials designed for space launch vehicles specified in 9A004 or sounding rockets specified in 9A104. (These items are ''subject to the ITAR.'' See 22 CFR parts 120 through 130.)

* * * * *

■ 75. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' Export Control Classification Number (ECCN) 1C107 is amended by revising the ''Related Controls'' paragraph in the List of Items Controlled section to read as follows:

1C107 Graphite and ceramic materials, other than those controlled by 1C007, which can be machined to any of the following products as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Related Controls: (1) See also 1C004, 1C007, and 1C298. (2) For commodities that meet the definition of defense articles under 22 CFR 120.3 of the ITAR, which describes similar commodities ''subject to the ITAR'' (See 22 CFR parts 120 through 130, including USML Category XIII). (3) ''Special fissile materials'' and ''other fissile materials''; except, four ''effective grams'' or less when contained in a sensing component in instruments are subject to the export licensing authority of the Nuclear Regulatory Commission (see 10 CFR part 110).

* * * * *

■ 76. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' Export Control Classification Number (ECCN) 1C111 is amended by revising the ''Related Controls'' paragraphs (1) and (2) in the List of Items Controlled section to read as follows:

1C111 Propellants and constituent chemicals for propellants, other than those specified in 1C011, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Related Controls: (1) Butacene, as defined by C111.c.1, and some HTPB are ''subject to the ITAR.'' (See 22 CFR parts 120 through 130, including USML Category V, other ferrocene derivatives). (2) See 1C018 for controls on oxidizers that are composed of fluorine and one or more of the following—other halogens, oxygen, or nitrogen. Solid oxidizer substances are ''subject to the ITAR'' (see 22 CFR parts 120 through 130, including USML Category V). * * *

* * * * *

■ 77. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' Export Control Classification Number (ECCN) 1C117 is amended:

■ a. By revising the heading; and

■ b. By revising the ''Related Controls'' paragraph in the List of Items Controlled section to read as follows:

1C117 Materials for the fabrication of missile ''parts'' or ''components'' for rockets or missiles capable of achieving a ''range'' equal to or greater than 300 km, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Related Controls: See 1C226.

* * * * *

■ 78. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' Export Control Classification Number (ECCN) 1C233 is amended by revising the ''Related Controls'' paragraph in the List of Items Controlled section to read as follows:

1C233 Lithium enriched in the lithium-6 (^{6}Li) isotope to greater than its natural isotopic abundance, and products or devices containing enriched lithium, as follows: elemental lithium, alloys, compounds, mixtures containing lithium, manufactures thereof, and waste or scrap of any of the foregoing.

* * * * *

List of Items Controlled

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Related Controls: (1) See ECCNs 1E001 (''development'' and ''production'') and 1E201 (''use'') for technology for items controlled by this entry. (2) See ECCN 1B233 for lithium isotope separation facilities or plants, and equipment therefor. (3) Certain facilities or plants for the separation of lithium isotopes are subject to the export licensing authority of the Nuclear Regulatory Commission (see 10 CFR part 110).

* * * * *

■ 79. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' Export Control Classification Number (ECCN) 1C239 is amended by revising the ''Related Controls'' paragraph (3) in the

List of Items Controlled section to read as follows:

1C239 High explosives, other than those controlled by the U.S. Munitions List, or substances or mixtures containing more than 2% by weight thereof, with a crystal density greater than 1.8 g/cm³ and having a detonation velocity greater than 8,000 m/s.

* * * * *

List of Items Controlled

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Related Controls: * * * (3) High explosives for military use are ''subject to the ITAR'' (see 22 CFR part 121.12).

* * * * *

■ 80. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' Export Control Classification Number (ECCN) 1C240 is amended by revising the heading to read as follows:

1C240 Nickel powder or porous nickel metal, other than nickel powder or porous nickel metal, specially prepared for the manufacture of gaseous diffusion barriers subject to the export licensing authority of the Nuclear Regulatory Commission (see 10 CFR part 110), as follows (see List of Items Controlled).

* * * * *

■ 81. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' Export Control Classification Number (ECCN) 1C298 is amended:

■ a. By revising the License Requirement Note paragraph in the License Requirements section; and

■ b. By revising the Related Controls paragraph in the List of Items Controlled section to read as follows:

1C298 Graphite with a boron content of less than 5 parts per million and a density greater than 1.5 grams per cubic centimeter that is intended for use other than in a nuclear reactor.

License Requirements

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License Requirement Note: Some graphite intended for use in a nuclear reactor is subject to the export licensing authority of the Nuclear Regulatory Commission (see 10 CFR part 110).

* * * * *

List of Items Controlled

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Related Controls: (1) See also 1C107. (2) Graphite having a purity level of less than 5 parts per million ''boron equivalent'' as measured according to ASTM standard C–1233–98 and intended for use in a nuclear reactor is subject to the export licensing authority of the Nuclear Regulatory Commission (see 10 CFR part 110).

* * * * *

■ 82. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' Export Control Classification Number (ECCN) 1C350 is amended:

■ a. By revising the heading;

■ b. By revising ''Note to Mixtures'' paragraph b and ''Technical Notes'' paragraph 1 in the License Requirements section; and

■ b. By revising the ''Related Controls'' paragraph in the List of Items Controlled section to read as follows:

1C350 Chemicals that may be used as precursors for toxic chemical agents (see List of Items Controlled).

License Requirements

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Licenses Requirements Notes:

* * * * *

2. * * *

* * * * *

Notes to Mixtures: * * *

* * * * *

b. Percent Weight Calculation. When calculating the percentage, by weight, of ingredients in a chemical mixture, include all ingredients of the mixture, including those that act as solvents.

* * * * *

Technical Notes: * * *

1. For purposes of this entry, a ''mixture'' is defined as a solid, liquid or gaseous product made up of two or more ingredients that do not react together under normal storage conditions.

* * * * *

List of Items Controlled

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Related Controls: See USML Category XIV(c) for related chemicals ''subject to the ITAR'' (see 22 CFR parts 120 through 130).

* * * * *

■ 83. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' Export Control Classification Number (ECCN) 1C351 is amended by revising the ''Related Controls'' paragraph (1) and (3) in the List of Items Controlled section to read as follows:

1C351 Human and zoonotic pathogens and ''toxins,'' as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

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Related Controls: (1) Certain forms of ricin and saxitoxin in 1C351.d.11. and d.12 are CWC Schedule 1 chemicals (see § 742.18 of the EAR). The U.S. Government must provide advance notification and annual reports to the OPCW of all exports of Schedule 1 chemicals. See § 745.1 of the EAR for notification procedures. See 22 CFR part 121, Category XIV and § 121.7 for CWC Schedule 1 chemicals that are ''subject to the ITAR.''

* * * (3) See 22 CFR part 121, Category XIV(b), for modified biological agents and biologically derived substances that are ''subject to the ITAR.''

* * * * *

■ 84. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' Export Control Classification Number (ECCN) 1C355 is amended;

■ a. By revising the heading; and

■ b. By revising ''Note to Mixtures'' paragraph b and ''Technical Notes'' in the License Requirements section to read as follows:

1C355 Chemical Weapons Convention (CWC) Schedule 2 and 3 chemicals and families of chemicals not controlled by ECCN 1C350 or ''subject to the ITAR'' (see 22 CFR parts 120 through 130) (see List of Items Controlled).

License Requirements

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Licenses Requirements Notes:

* * * * *

1. * * *

* * * * *

Notes to Mixtures: * * *

* * * * *

b. Percent Weight Calculation. When calculating the percentage, by weight, of ingredients in a chemical mixture, include all ingredients of the mixture, including those that act as solvents.

* * * * *

Technical Notes: For purposes of this entry, a ''mixture'' is defined as a solid, liquid or gaseous product made up of two or more ingredients that do not react together under normal storage conditions.

* * * * *

■ 85. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' Export Control Classification Number (ECCN) 1C992 is amended:

■ a. By revising the heading; and

■ b. By revising the ''Related Definitions'' paragraphs (1), (3) and (4) in the List of Items Controlled section to read as follows:

1C992 Commercial charges and devices containing energetic materials, n.e.s. and nitrogen trifluoride in a gaseous state (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Related Definitions: (1) Items controlled by this entry 1C992 are those materials not ''subject to the ITAR'' (see 22 CFR parts 120 through 130) or controlled by ECCN 1C018. * * * (3) The individual USML controlled energetic materials, even when compounded with other materials, remain ''subject to the ITAR'' when not incorporated into explosive devices or charges controlled by this entry. (4) Commercial prefabricated slurries and emulsions containing greater than 35% of USML controlled energetic materials are ''subject to the ITAR'' (see 22 CFR parts 120 through 130). * * *

* * * * *

■ 86. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' Export Control Classification Number (ECCN) 1C996 is amended by revising the heading to read as follows:

1C996 Hydraulic fluids containing synthetic hydrocarbon oils, not controlled by 1C006, having all the following characteristics (see List of Items Controlled).

* * * * *

■ 87. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' Export Control Classification Number (ECCN) 1D002 is amended by revising the ''Related Controls'' paragraph in the List of Items Controlled to read as follows:

1D002 ''Software'' for the ''development'' of organic ''matrix,'' metal ''matrix'' or carbon ''matrix'' laminates or ''composites''.

* * * * *

List of Items Controlled

* * * * *

Related Controls: ''Software'' for items controlled by *1A102* are ''subject to the ITAR'' (see 22 CFR parts 120 through 130).

* * * * *

■ 88. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' Export Control Classification Number (ECCN) 1D103 is amended:

■ a. By revising the heading; and

■ b. By revising the ''Related Controls'' paragraph (2) in the List of Items Controlled section to read as follows:

1D103 ''Software'' ''specially designed'' for reduced observables such as radar reflectivity, ultraviolet/infrared signatures and acoustic signatures, for applications usable in rockets, missiles, or unmanned aerial vehicles capable of delivering at least a 500 kg payload to a ''range'' equal to or greater than 300 km and their complete subsystems.

* * * * *

List of Items Controlled

* * * * *

Related Controls: * * * (2) For software that meets the definition of defense articles under 22 CFR 120.3 of the International Traffic in Arms Regulations (ITAR), which describes similar software that are ''subject to the ITAR'' (see 22 CFR parts 120 through 130, including USML Category XIII).

* * * * *

■ 89. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' Export Control Classification Number (ECCN) 1D993 is amended by revising the heading to read as follows:

1D993 ''Software'' ''specially designed'' for the ''development,'' ''production'' or ''use'' of materials controlled by 1C210.b, or 1C990.

* * * * *

■ 90. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' Export Control Classification Number (ECCN) 1E001 is amended:

■ a. By revising the heading;

■ b. By removing ''1A008,'' from the first entry in the License Requirements table;

■ c. By revising the License Exception TSR paragraph (2) introductory text in the License Exceptions section;

■ d. By revising the Special Conditions for License Exception STA section; and

■ e. By revising the ''Related Controls'' paragraph (4) in the List of Items Controlled section to read as follows:

1E001 ''Technology'' according to the General Technology Note for the ''Development'' or ''Production'' of items controlled by 1A001.b, 1A001.c, 1A002, 1A003, 1A004, 1A005, 1A006.b, 1A007, 1A101, 1B (except 1B999), or 1C (except 1C355, 1C980 to 1C984, 1C988, 1C990, 1C991, 1C995 to 1C999).

* * * * *

License Exceptions

* * * * *

TSR: * * *

(2) Exports and reexports to destinations outside of those countries listed in Country Group A:5 (See Supplement No. 1 to part 740 of the EAR) of ''technology'' for the ''development'' or production'' of the following:

* * * * *

STA: License Exception STA may not be used to ship or transmit ''technology'' according to the General Technology Note for the ''development'' or ''production'' of equipment and materials specified by ECCNs 1A002, 1C001, 1C007.c or d, or 1C010.c or d to any of the eight destinations listed in § 740.20(c)(2) of the EAR.

List of Items Controlled

* * * * *

Related Controls: * * * (4) ''Technology'' for items described in ECCN 1A102 is ''subject to the ITAR'' (see 22 CFR parts 120 through 130).

* * * * *

■ 91. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' Export Control Classification Number (ECCN) 1E101 is amended by revising the ''Related Controls'' paragraph in the List of Items Controlled section to read as follows:

1E101 ''Technology,'' in accordance with the General Technology Note, for the ''use'' of commodities and software controlled by 1A101, 1A102, 1B001, 1B101, 1B102, 1B115 to 1B119, 1C001, 1C007, 1C011, 1C101, 1C107, 1C111, 1C116, 1C117, 1C118, 1D001, 1D101, or 1D103.

* * * * *

List of Items Controlled

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Related Controls: ''Technology'' for items controlled by *1A102* is ''subject to the ITAR'' (see 22 CFR parts 120 through 130).

* * * * *

■ 92. In Supplement No. 1 to part 774 (the Commerce Control List), Category 2—Materials Processing, Export Control Classification Number (ECCN) 2A001 is amended:

■ a. By revising the heading;

■ b. By revising the ''Related Controls'' paragraph (2) in the List of Items Controlled section; and

■ c. By redesignating Note to the ''items'' paragraph (a) in the List of Items Control section as Note 2 and adding a new Note 1 to read as follows:

2A001 Anti-friction bearings and bearing systems, as follows, (see List of Items Controlled) and ''components'' therefor.

* * * * *

List of Items Controlled

* * * * *

Related Controls: * * * (2) Quiet running bearings are ''subject to the ITAR'' (see 22 CFR parts 120 through 130).

* * * * *

Items:

Note 1: A001.a includes ball bearing and roller elements ''specially designed'' for the items specified therein.

* * * * *

■ 93. In Supplement No. 1 to part 774 (the Commerce Control List), Category 2—Materials Processing, Export Control Classification Number (ECCN) 2A226 is amended by revising the ''Related Controls'' paragraph (2) in the List of Items Controlled section to read as follows:

2A226 Valves having all of the following characteristics (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Related Controls: * * * (2) Also see ECCNs 2A292, 2B350.g and 2B999. * * *

* * * * *

■ 94. In Supplement No. 1 to part 774 (the Commerce Control List), Category 2—Materials Processing, Export Control Classification Number (ECCN) 2A291 is amended:

■ a. By revising the heading;

■ b. By revising the ''Related Controls'' paragraph (5) in the List of Items Controlled section; and

■ c. By revising the ''items'' paragraph d in the List of Items Controlled section to read as follows:

2A291 Equipment, except items controlled by 2A290, related to nuclear material handling and processing and to nuclear reactors, and ''parts,'' ''components'' and ''accessories'' therefor (see List of Items Controlled).

* * * * *

List of Items Controlled

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Related Controls: * * * (5) Nuclear radiation detection and measurement devices ''specially designed'' or modified for military purposes are ''subject to the ITAR'' (see 22 CFR parts 120 through 130).

* * * * *

Items:

* * * * *

d. Commodities, ''parts,'' ''components'' and accessories ''specially designed'' or prepared for use with nuclear plants (*e.g.,* snubbers, airlocks, pumps, reactor fuel charging and discharging equipment, containment equipment such as hydrogen recombiner and penetration seals, and reactor and fuel inspection equipment, including ultrasonic or eddy current test equipment).

* * * * *

■ 95. In Supplement No. 1 to part 774 (the Commerce Control List), Category 2—Materials Processing, Export Control Classification Number (ECCN) 2A292 is amended by revising the ''Related Controls'' paragraph (3) in the List of Items Controlled section to read as follows:

2A292 Piping, fittings and valves made of, or lined with, stainless steel, copper-nickel alloy or other alloy steel containing 10% or more nickel and/or chromium.

* * * * *

List of Items Controlled

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Related Controls: * * * (3) Also see ECCNs 2A226, 2B350 and 2B999. * * *

* * * * *

■ 96. In Supplement No. 1 to part 774 (the Commerce Control List), Category 2—Materials Processing, Export Control Classification Number (ECCN) 2A983 is amended by revising the heading to read as follows:

2A983 Explosives or detonator detection equipment, both bulk and trace based, consisting of an automated device, or combination of devices for automated decision making to detect the presence of different types of explosives, explosive residue, or detonators; and ''parts'' and ''components,'' n.e.s.

* * * * *

■ 97. In Supplement No. 1 to part 774 (the Commerce Control List), Category 2—Materials Processing, Export Control Classification Number (ECCN) 2A984 is amended:

■ a. By revising the heading; and

■ b. By revising the ''Related Controls'' paragraph (1) in the List of Items Controlled section to read as follows:

2A984 Concealed object detection equipment operating in the frequency range from 30 GHz to 3000 GHz and having a spatial resolution of 0.5 milliradian up to and including 1 milliradian at a standoff distance of 100 meters; and ''parts'' and ''components,'' n.e.s.

* * * * *

List of Items Controlled

* * * * *

Related Controls: (1) Concealed object detection equipment operating in the frequency range from 30 GHz to 3000 GHz and having a spatial resolution less than 0.5 milliradian (a lower milliradian number means a more accurate image resolution) at a standoff distance of 100 meters is ''subject to the ITAR'' (see 22 CFR parts 120 through 130). * * *

* * * * *

■ 98. In Supplement No. 1 to part 774 (the Commerce Control List), Category 2—Materials Processing, Export Control Classification Number (ECCN) 2A991 is amended:

■ a. By revising the heading;

■ b. By revising the ''Related Controls'' paragraph (2) in the List of Items Controlled section; and

■ c. By revising the introductory text of paragraph a, and paragraphs a.2, and b.1 of the ''items'' paragraph in the List of Items Controlled section to read as follows:

2A991 Bearings and bearing systems not controlled by 2A001 (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Related Controls: * * * (2) Quiet running bearings are ''subject to the ITAR'' (see 22 CFR parts 120 through 130).

* * * * *

Items:

a. Ball bearings or Solid ball bearings, having tolerances specified by the manufacturer in accordance with ABEC 7, ABEC 7P, or ABEC 7T or ISO Standard Class 4 or better (or equivalents) and having any of the following characteristics.

* * * * *

a.2. With lubricating elements or ''part'' or ''component'' modifications that, according to the manufacturer's specifications, are ''specially designed'' to enable the bearings to operate at speeds exceeding 2.3 million DN.

* * * * *

b. * * *

b.1. With lubricating elements or ''part'' or ''component'' modifications that, according to the manufacturer's specifications, are ''specially designed'' to enable the bearings to operate at speeds exceeding 2.3 million DN; or

* * * * *

■ 99. In Supplement No. 1 to part 774 (the Commerce Control List), Category 2—Materials Processing, Export Control Classification Number (ECCN) 2A994 is amended:

■ a. By revising the heading; and

■ b. By revising the ''related definitions'' paragraph in the List of Items Controlled section to read as follows:

2A994 Portable electric generators and ''specially designed'' ''parts'' and ''components.''

* * * * *

List of Items Controlled

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Related Definitions: 'Portable electric generators'—The generators that are in 2A994 are portable—5,000 lbs or less on wheels or transportable in a 2½ ton truck without a ''special set up requirement.

* * * * *

■ 100. In Supplement No. 1 to part 774 (the Commerce Control List), Category 2—Materials Processing, Export Control Classification Number (ECCN) 2B001 is amended by revising the parenthetical phrase following sentence (2) of the second entry in the License Requirements table to read as follows:

2B001 Machine tools and any combination thereof, for removing (or cutting) metals, ceramics or ''composites,'' which, according to the manufacturer's technical specifications, can be equipped with electronic devices for

"numerical control", as follows (see List of Items Controlled).

License Requirements

Reason for Control: * * *

Control(s)	Country chart
* * * * *	
NP applies to 2B001.a, .b, .c, and .d, EXCEPT: * * * (2) * * * (Machines may have drilling and/or milling capabilities for machining "parts" or "components" with diameters less than 42 mm); * * *.	NP Column 1
* * * * *	

* * * * *

■ 101. In Supplement No. 1 to part 774 (the Commerce Control List), Category 2—Materials Processing, Export Control Classification Number (ECCN) 2B003 is amended by adding quotes around the term components in the heading.

■ 102. In Supplement No. 1 to part 774 (the Commerce Control List), Category 2—Materials Processing, Export Control Classification Number (ECCN) 2B004 is amended by adding quotes around the term components in the heading.

■ 103. In Supplement No. 1 to part 774 (the Commerce Control List), Category 2—Materials Processing, Export Control Classification Number (ECCN) 2B005 is amended by revising the heading to read as follows:

2B005 Equipment "specially designed" for the deposition, processing and in-process control of inorganic overlays, coatings and surface modifications, as follows, for non-electronic substrates, by processes shown in the Table and associated Notes following 2E003.f (see List of Items Controlled), and "specially designed" automated handling, positioning, manipulation and control "components" therefor.

* * * * *

■ 104. In Supplement No. 1 to part 774 (the Commerce Control List), Category 2—Materials Processing, Export Control Classification Number (ECCN) 2B105 is amended by revising the "Related Controls" paragraph (3) in the List of Items Controlled section to read as follows:

2B105 Chemical vapor deposition (CVD) furnaces, other than those controlled by 2B005.a, designed or modified for the densification of carbon-carbon composites.

* * * * *

List of Items Controlled

* * * * *

Related Controls: * * * (3) Also see ECCNs 2B005, 2B117, 2B226 and 2B227.

* * * * *

■ 105. In Supplement No. 1 to part 774 (the Commerce Control List), Category 2—Materials Processing, Export Control Classification Number (ECCN) 2B109 is amended:

■ a. By revising the heading; and

■ b. By revising "Technical Notes" paragraph (2) in the "items" paragraph in the List of Items Controlled section to read as follows:

2B109 Flow-forming machines, other than those controlled by 2B009, and "specially designed" "parts" and "components" therefor (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

Technical Notes:

* * * * *

2. 2B109 does not control machines that are not usable in the "production" of propulsion "parts," "components" and equipment (e.g., motor cases) for systems in 9A005, 9A007.a, or 9A105.a.

■ 106. In Supplement No. 1 to part 774 (the Commerce Control List), Category 2—Materials Processing, Export Control Classification Number (ECCN) 2B116 is amended:

■ a. By revising the heading; and

■ b. By revising the "Related Controls" paragraph (3) in the List of Items Controlled section to read as follows:

2B116 Vibration test systems and equipment, usable for rockets, missiles, or unmanned aerial vehicles capable of achieving a "range" equal to or greater than 300 km and their subsystems, and "parts" and "components" therefor, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Related Controls: * * * (3) Also see ECCNs 9B106 and 9B990.

* * * * *

■ 107. In Supplement No. 1 to part 774 (the Commerce Control List), Category 2—Materials Processing, Export Control Classification Number (ECCN) 2B201 is amended:

■ a. By revising the heading; and

■ b. By revising the Note to paragraph a in the "items" paragraph in the List of Items Controlled section to read as follows:

2B201 Machine tools, other than those controlled by 2B001, for removing or cutting metals, ceramics or "composites," which, according to manufacturer's technical specifications, can be equipped with electronic devices for simultaneous "contouring control" in two or more axes, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

a. * * *

Note: Item 2B201.a. does not control bar machines (Swissturn), limited to machining only bar feed thru, if maximum bar diameter is equal to or less than 42 mm and there is no capability of mounting chucks. Machines may have drilling and/or milling capabilities for machining "parts" or "components" with diameters less than 42 mm.

* * * * *

■ 108. In Supplement No. 1 to part 774 (the Commerce Control List), Category 2—Materials Processing, Export Control Classification Number (ECCN) 2B229 is amended by revising the introductory text to "items" paragraph b in the List of Items Controlled section to read as follows:

2B229 Centrifugal multiplane balancing machines, fixed or portable, horizontal or vertical, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

b. Centrifugal balancing machines designed for balancing hollow cylindrical rotor "parts" or "components" and having all of the following characteristics:

* * * * *

■ 109. In Supplement No. 1 to part 774 (the Commerce Control List), Category 2—Materials Processing, Export Control Classification Number (ECCN) 2B350 is amended:

■ a. By revising the "Related Controls" paragraph in the List of Items Controlled section;

■ b. By revising the "Related Definitions" paragraph in the List of Items Controlled section; and

■ c. By adding a note at the end of the "items" paragraph, after the Technical Notes, in the List of Items Controlled section to read as follows:

2B350 Chemical manufacturing facilities and equipment, except valves controlled by 2A226 or 2A292, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Related Controls: See also ECCNs 2A226, 2A292, 2A293, 2B231 and 2B999.

Related Definitions: For purposes of this entry the term 'chemical warfare agents' include those agents "subject to the ITAR" (see 22 CFR parts 120 through 130).

Items:

* * * * *

Note: See Categories V and XIV of the United States Munitions List for all chemicals that are ''subject to the ITAR'' (see 22 CFR parts 120 through 130).

■ 110. In Supplement No. 1 to part 774 (the Commerce Control List), Category 2—Materials Processing, Export Control Classification Number (ECCN) 2B351 is amended:

■ a. By revising the heading; and

■ b. By revising ''Related Controls'' paragraph in the List of Items Controlled section to read as follows:

2B351 Toxic gas monitoring systems and their dedicated detecting ''parts'' and ''components'' (i.e., detectors, sensor devices, and replaceable sensor cartridges), as follows, except those systems and detectors controlled by ECCN 1A004.c (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Related Controls: See ECCN 2D351 for ''software'' for toxic gas monitoring systems and their dedicated detecting ''parts'' and ''components'' controlled by this ECCN. Also see ECCN 1A004, which controls chemical detection systems and ''specially designed'' ''parts'' and ''components'' therefor that are ''specially designed'' or modified for detection or identification of chemical warfare agents, but not ''specially designed'' for military use, and ECCN 1A995, which controls certain detection equipment, ''parts'' and ''components'' not controlled by ECCN 1A004 or by this ECCN.

* * * * *

■ 111. In Supplement No. 1 to part 774 (the Commerce Control List), Category 2—Materials Processing, Export Control Classification Number (ECCN) 2B352 is amended:

■ a. By revising ''Related Controls'' paragraph in the List of Items Controlled section;

■ b. By revising ''items'' paragraphs c.3, d.1.b.2, d.2 and h in the List of Items Controlled section; and

■ c. By revising ''Technical Notes'' paragraph 2 at the end of the ''items'' paragraph in the List of Items Controlled section to read as follows:

2B352 Equipment capable of use in handling biological materials, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Related Controls: See ECCNs 1A004 and 1A995 for protective equipment that is not covered by this entry. Also see ECCN 9A120 for controls on certain ''UAV'' systems designed or modified to dispense an aerosol and capable of carrying elements of a payload in the form of a particulate or liquid, other than fuel ''parts'' or ''components'' of such vehicles, of a volume greater than 20 liters.

* * * * *

Items:

* * * * *

c.3. ''Parts'' or ''components'' of polished stainless steel or titanium; and

* * * * *

d.1.b.2. Using disposable or single-use filtration ''parts'' or ''components''.

* * * * *

d.2. Cross (tangential) flow filtration ''parts'' or ''components'' (e.g., modules, elements, cassettes, cartridges, units or plates) with filtration area equal to or greater than 0.2 square meters (0.2 m^2) for each ''part'' or ''component'' and designed for use in cross (tangential) flow filtration equipment controlled by 2B352.d.1.

* * * * *

h. Spraying or fogging systems and ''parts'' and ''components'' therefor, as follows:

* * * * *

Technical Notes:

* * * * *

2. This ECCN does not control spraying or fogging systems, ''parts'' and ''components,'' as specified in 2B352.h., that are demonstrated not to be capable of delivering biological agents in the form of infectious aerosols.

* * * * *

■ 112. In Supplement No. 1 to part 774 (the Commerce Control List), Category 2—Materials Processing, Export Control Classification Number (ECCN) 2B991 is amended by revising the heading to read as follows:

2B991 Numerical control units for machine tools and ''numerically controlled'' machine tools, n.e.s. (see List of Items Controlled).

* * * * *

■ 113. In Supplement No. 1 to part 774 (the Commerce Control List), Category 2—Materials Processing, Export Control Classification Number (ECCN) 2B992 is amended by revising the heading to read as follows:

2B992 Non-''numerically controlled'' machine tools for generating optical quality surfaces, (see List of Items Controlled) and ''specially designed'' ''parts'' and ''components'' therefor.

* * * * *

■ 114. In Supplement No. 1 to part 774 (the Commerce Control List), Category 2—Materials Processing, Export Control Classification Number (ECCN) 2B996 is amended by revising the heading to read as follows:

2B996 Dimensional inspection or measuring systems or equipment not controlled by 2B006 or 2B206, as follows (see List of Items Controlled).

* * * * *

■ 115. In Supplement No. 1 to part 774 (the Commerce Control List), Category 2—Materials Processing, Export Control Classification Number (ECCN) 2B998 is amended:

■ a. By revising the heading; and

■ b. By revising ''items'' paragraph c in the List of Items Controlled section to read as follows:

2B998 Assemblies, circuit boards or inserts ''specially designed'' for machine tools controlled by 2B991, or for equipment controlled by 2B993, 2B996 or 2B997.

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

c. ''Specially designed'' printed circuit boards with mounted ''parts'' or ''components'' capable of upgrading, according to the manufacturer's specifications, ''numerical control'' units, machine tools or feed-back devices to or above the levels specified in ECCNs 2B991, 2B993, 2B996, 2B997, or 2B998.

* * * * *

■ 116. In Supplement No. 1 to part 774 (the Commerce Control List), Category 2—Materials Processing, Export Control Classification Number (ECCN) 2B999 is amended by adding a note to ''items'' paragraph g in the List of Items Controlled section to read as follows:

2B999 Specific processing equipment, n.e.s., as follows (see List of Items Controlled).

* * * * *

Note: Fittings are considered part of ''piping'' for purposes of 2B999.g.

* * * * *

■ 117. In Supplement No. 1 to part 774 (the Commerce Control List), Category 2—Materials Processing, Export Control Classification Number (ECCN) 2D351 is amended by revising the heading to read as follows:

2D351 Dedicated ''software'' for toxic gas monitoring systems and their dedicated detecting ''parts'' and ''components'' controlled by ECCN 2B351.

* * * * *

■ 118. In Supplement No. 1 to part 774 (the Commerce Control List), Category 2—Materials Processing, Export Control Classification Number (ECCN) 2D984 is amended by revising the ''Related Controls'' paragraph (1) in the List of Items Controlled section to read as follows:

2D984 ''Software'' ''required'' for the ''development,'' ''production'' or ''use''

of concealed object detection equipment controlled by 2A984.

* * * * *

List of Items Controlled

* * * * *

Related Controls: (1) ''Software'' ''required'' for the ''development,'' ''production'' or ''use'' of concealed object detection equipment operating in the frequency range from 30 GHz to 3000 GHz and having a spatial resolution less than 0.5 milliradian (a lower milliradian number means a more accurate image resolution) at a standoff distance of 100 meters is ''subject to the ITAR'' (see 22 CFR parts 120 through 130). * * *

* * * * *

■ 119. In Supplement No. 1 to part 774 (the Commerce Control List), Category 2—Materials Processing, Export Control Classification Number (ECCN) 2E001 is amended by revising the heading to read as follows:

2E001 ''Technology'' according to the General Technology Note for the ''development'' of equipment or ''software'' controlled by 2A (except 2A983, 2A984, 2A991, or 2A994), 2B (except 2B991, 2B993, 2B996, 2B997, 2B998, or 2B999), or 2D (except 2D983, 2D984, 2D991, 2D992, or 2D994).

* * * * *

■ 120. In Supplement No. 1 to part 774 (the Commerce Control List), Category 2—Materials Processing, Export Control Classification Number (ECCN) 2E002 is amended by revising the heading to read as follows:

2E002 ''Technology'' according to the General Technology Note for the ''production'' of equipment controlled by 2A (except 2A983, 2A984, 2A991, or 2A994) or 2B (except 2B991, 2B993, 2B996, 2B997, 2B998, or 2B999).

* * * * *

■ 121. In Supplement No. 1 to part 774 (the Commerce Control List), Category 2—Materials Processing, Export Control Classification Number (ECCN) 2E984 is amended by revising the ''Related Controls'' paragraph (1) in the List of Items Controlled section to read as follows:

2E984 ''Technology'' ''required'' for the ''development,'' ''production'' or ''use'' of equipment controlled by 2A984 or ''required'' for the ''development'' of ''software'' controlled by 2D984.

* * * * *

List of Items Controlled

* * * * *

Related Controls: (1) ''Technology'' ''required'' for the ''development,'' ''production'' or ''use'' of concealed object detection equipment operating in the frequency range from 30 GHz to 3000 GHz and having a spatial resolution less than 0.5 milliradian (a lower milliradian number means a more accurate image resolution) at a standoff distance of 100 meters or ''required'' for the ''development'' of ''software'' ''required'' for the ''development,'' ''production'' or ''use'' of concealed object detection equipment operating in the frequency range from 30 GHz to 3000 GHz and having a spatial resolution less than 0.5 milliradian at a standoff distance of 100 meters is ''subject to the ITAR'' (see 22 CFR parts 120 through 130). * * *

* * * * *

■ 122. In Supplement No. 1 to part 774 (the Commerce Control List), Category 3—Electronics is amended by adding quotes around the term components in ''Note 1'' that immediately follows the Category 3 (Systems, Equipment and Components) heading.

■ 123. In Supplement No. 1 to part 774 (the Commerce Control List), Category 3—Electronics, Export Control Classification Number (ECCN) 3A001 is amended:

■ a. By revising the heading;

■ b. By revising the ''Related Controls'' paragraph (1), the introductory text of paragraph (2), and paragraph (2)(c) in the List of Items Controlled section; and

■ c. By revising the introductory text to ''items'' paragraphs c and d in the List of Items Controlled section to read as follows:

3A001 Electronic components and ''specially designed'' ''components'' therefor, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Related Controls: (1) The following commodities are ''subject to the ITAR'' when ''space qualified'' and operating at frequencies higher than 31.8 GHz: helix tubes (traveling wave tubes (TWT)) defined in 3A001.b.1.a.4.c; microwave solid state amplifiers defined in 3A001.b.4.b traveling wave tube amplifiers (TWTA) defined in 3A001.b.8; and derivatives thereof; (2) The following commodities are also ''subject to the ITAR (see 22 CFR parts 120 through 130):'' * * * (c) All specifically designed or modified systems or subsystems, ''parts,'' ''components,'' accessories, attachments, and associated equipment controlled by Category XV (e) of the USML. See also 3A101, 3A201, and 3A991. * * *

* * * * *

Items:

* * * * *

c. Acoustic wave devices as follows and ''specially designed'' ''components'' therefor:

* * * * *

d. Electronic devices and circuits containing ''components,'' manufactured from ''superconductive'' materials, ''specially designed'' for operation at temperatures below the ''critical temperature'' of at least one of the ''superconductive'' constituents and having any of the following:

* * * * *

■ 124. In Supplement No. 1 to part 774 (the Commerce Control List), Category 3—Electronics, Export Control Classification Number (ECCN) 3A002 is amended by revising the first sentence in ''Related Controls'' paragraph in the List of Items Controlled section to read as follows:

3A002 General purpose electronic equipment and ''accessories'' therefor, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Related Controls: ''Space-qualified'' atomic frequency standards defined in 3A002.g.1 are ''subject to the ITAR'' (see 22 CFR parts 120 through 130, including USML Category XV). * * *

* * * * *

■ 125. In Supplement No. 1 to part 774 (the Commerce Control List), Category 3—Electronics, Export Control Classification Number (ECCN) 3A003 is amended by adding quotes around the term components in the heading.

■ 126. In Supplement No. 1 to part 774 (the Commerce Control List), Category 3—Electronics, Export Control Classification Number (ECCN) 3A101 is amended:

■ a. By revising the heading; and

■ b. By revising ''Related Controls'' paragraph in the List of Items Controlled section to read as follows:

3A101 Electronic equipment, devices, ''parts'' and ''components,'' other than those controlled by 3A001, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Related Controls: Items controlled in 3A101.a are ''subject to the ITAR'' (see 22 CFR parts 120 through 130).

* * * * *

■ 127. In Supplement No. 1 to part 774 (the Commerce Control List), Category 3—Electronics, Export Control Classification Number (ECCN) 3A201 is amended:

■ a. By revising the heading;

■ b. By revising the Note to ''items'' paragraph c in the List of Items Controlled section to read as follows:

3A201 Electronic ''parts'' and ''components,'' other than those controlled by 3A001, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

c. * * *

Note: 3A201.c does not control accelerators that are ''parts'' or ''components'' of devices

designed for purposes other than electron beam or X-ray radiation (electron microscopy, for example) nor those designed for medical purposes.

* * * * *

■ 128. In Supplement No. 1 to part 774 (the Commerce Control List), Category 3—Electronics, Export Control Classification Number (ECCN) 3A225 is amended by revising the heading to read as follows:

3A225 Frequency changers (also known as converters or inverters) or generators, having all of the following characteristics (see List of Items Controlled), excluding items that are subject to the export licensing authority of the Nuclear Regulatory Commission (see 10 CFR part 110).

* * * * *

■ 129. In Supplement No. 1 to part 774 (the Commerce Control List), Category 3—Electronics, Export Control Classification Number (ECCN) 3A226 is amended by revising the heading to read as follows:

3A226 High-power direct current power supplies having both of the following characteristics (see List of Items Controlled), excluding items that are subject to the export licensing authority of the Nuclear Regulatory Commission (see 10 CFR part 110).

* * * * *

■ 130. In Supplement No. 1 to part 774 (the Commerce Control List), Category 3—Electronics, Export Control Classification Number (ECCN) 3A227 is amended by revising the heading to read as follows:

3A227 High-voltage direct current power supplies, having both of the following characteristics (see List of Items Controlled), excluding items that are subject to the export licensing authority of the Nuclear Regulatory Commission (see 10 CFR part 110).

* * * * *

■ 131. In Supplement No. 1 to part 774 (the Commerce Control List), Category 3—Electronics, Export Control Classification Number (ECCN) 3A229 is amended by revising the ''Related Controls'' paragraph (2) in the List of Items Controlled section to read as follows:

3A229 Firing sets and equivalent high-current pulse generators (for detonators controlled by 3A232), as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Related Controls: * * * (2) High explosives and related equipment for military use are ''subject to the ITAR'' (see 22 CFR parts 120 through 130).

* * * * *

■ 132. In Supplement No. 1 to part 774 (the Commerce Control List), Category 3—Electronics, Export Control Classification Number (ECCN) 3A230 is amended by revising the ''Related Controls'' paragraph in the List of Items Controlled section to read as follows:

3A230 High-speed pulse generators having both of the following characteristics (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Related Controls: (1) See ECCNs 3E001 (''development'' and ''production'') and 3E201 (''use'') for technology for items controlled under this entry. (2) See ECCNs 3A002.d.1, 3A992.a and 3A999.d.

* * * * *

■ 133. In Supplement No. 1 to part 774 (the Commerce Control List), Category 3—Electronics, Export Control Classification Number (ECCN) 3A232 is amended by revising the ''Related Controls'' paragraph (3) in the List of Items Controlled section to read as follows:

3A232 Detonators and multipoint initiation systems, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Related Controls: * * * (3) High explosives and related equipment for military use are ''subject to the ITAR'' (see 22 CFR parts 120 through 130).

* * * * *

■ 134. In Supplement No. 1 to part 774 (the Commerce Control List), Category 3—Electronics, Export Control Classification Number (ECCN) 3A233 is amended by revising the heading to read as follows:

3A233 Mass spectrometers, capable of measuring ions of 230 atomic mass units or greater and having a resolution of better than 2 parts in 230, and ion sources therefor, excluding items that are subject to the export licensing authority of the Nuclear Regulatory Commission (see 10 CFR part 110).

* * * * *

■ 135. In Supplement No. 1 to part 774 (the Commerce Control List), Category 3—Electronics, Export Control Classification Number (ECCN) 3A292 is amended:

■ a. By revising the heading; and

■ b. By revising the introductory text to the Note at the end of the ''items'' paragraph in the List of Items Controlled section to read as follows:

3A292 Oscilloscopes and transient recorders other than those controlled by 3A002.a.5, and ''specially designed'' ''parts'' and ''components'' therefor.

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

Note: ''Specially designed'' ''parts'' and ''components'' controlled by this item are the following, for analog oscilloscopes:

* * * * *

■ 136. In Supplement No. 1 to part 774 (the Commerce Control List), Category 3—Electronics, Export Control Classification Number (ECCN) 3A980 is amended by revising the heading to read as follows:

3A980 Voice print identification and analysis equipment and ''specially designed'' ''components'' therefor, n.e.s.

* * * * *

■ 137. In Supplement No. 1 to part 774 (the Commerce Control List), Category 3—Electronics, Export Control Classification Number (ECCN) 3A981 is amended by revising the heading to read as follows:

3A981 Polygraphs (except biomedical recorders designed for use in medical facilities for monitoring biological and neurophysical responses); fingerprint analyzers, cameras and equipment, n.e.s.; automated fingerprint and identification retrieval systems, n.e.s.; psychological stress analysis equipment; electronic monitoring restraint devices; and ''specially designed'' ''components'' and ''accessories'' therefor, n.e.s.

* * * * *

■ 138. In Supplement No. 1 to part 774 (the Commerce Control List), Category 3—Electronics, Export Control Classification Number (ECCN) 3A982 is amended by revising the heading to read as follows:

3A982 Microwave or millimeter wave components that operate at frequencies below those controlled by 3A001 as follows (see List of Items Controlled).

* * * * *

■ 139. In Supplement No. 1 to part 774 (the Commerce Control List), Category 3—Electronics, Export Control Classification Number (ECCN) 3A991 is amended:

■ a. By revising the heading; and

■ b. By revising the introductory text to the ''items'' paragraph l in the List of Items Controlled section to read as follows:

3A991 Electronic devices, and ''components'' not controlled by 3A001.

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

l. Circuits or systems for electromagnetic energy storage, containing ''components'' manufactured from ''superconductive'' materials ''specially designed'' for operation at temperatures below the ''critical temperature'' of at least one of their ''superconductive'' constituents, having all of the following:

* * * * *

■ 140. In Supplement No. 1 to part 774 (the Commerce Control List), Category 3—Electronics, Export Control Classification Number (ECCN) 3A999 is amended:

■ a. By revising the ''Related Controls'' paragraph in the List of Items Controlled section; and

■ b. By revising ''items'' paragraph c in the List of Items Controls section to read as follows:

3A999 Specific processing equipment, n.e.s., as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Related Controls: (1) See also 3A225 (for frequency changers capable of operating in the frequency range of 600 Hz and above), and 3A233. (2) Certain auxiliary systems, equipment, ''parts'' and ''components'' for isotope separation plants, made of or protected by UF_6 resistant materials are subject to the export licensing authority of the Nuclear Regulatory Commission (see 10 CFR part 110).

* * * * *

Items:

* * * * *

c. All flash x-ray machines, and ''parts'' or ''components'' of pulsed power systems designed thereof, including Marx generators, high power pulse shaping networks, high voltage capacitors, and triggers;

* * * * *

■ 141. In Supplement No. 1 to part 774 (the Commerce Control List), Category 3—Electronics, Export Control Classification Number (ECCN) 3B001 is amended by adding quotes around the term components in the heading.

■ 142. In Supplement No. 1 to part 774 (the Commerce Control List), Category 3—Electronics, Export Control Classification Number (ECCN) 3B002 is amended by adding quotes around the term components in the heading.

■ 143. In Supplement No. 1 to part 774 (the Commerce Control List), Category 3—Electronics, Export Control Classification Number (ECCN) 3B991 is amended:

■ a. By revising the heading; and

■ b. By revising ''items'' paragraph a and the introductory text of ''items'' paragraphs b.1 and b.2 in the List of Items Controlled section to read as follows:

3B991 Equipment not controlled by 3B001 for the manufacture of electronic ''parts,'' ''components'' and materials (see List of Items Controlled), and ''specially designed'' ''parts,'' ''components'' and ''accessories'' therefor.

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

a. Equipment ''specially designed'' for the manufacture of electron tubes, optical elements and ''specially designed'' ''parts'' and ''components'' therefor controlled by 3A001 or 3A991;

* * * * *

b.1. Equipment for the processing of materials for the manufacture of devices, ''parts'' and ''components'' as specified in the heading of 3B991.b, as follows:

* * * * *

b.2. Masks, mask ''substrates,'' mask-making equipment and image transfer equipment for the manufacture of devices, ''parts'' and ''components'' as specified in the heading of 3B991, as follows:

* * * * *

■ 144. In Supplement No. 1 to part 774 (the Commerce Control List), Category 3—Electronics, Export Control Classification Number (ECCN) 3B992 is amended:

■ a. By revising the heading;

■ b. By revising ''items'' paragraph a in the List of Items Controlled section; and

■ c. By revising paragraph 3 of the ''Notes'' to ''items'' paragraph b.4.b in the List of Items Controlled section to read as follows:

3B992 Equipment not controlled by 3B002 for the inspection or testing of electronic ''components'' and materials, (see List of Items Controlled) and ''specially designed'' ''parts,'' ''components'' and ''accessories'' therefor.

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

a. Equipment ''specially designed'' for the inspection or testing of electron tubes, optical elements and ''specially designed'' ''parts'' and ''components'' therefor controlled by 3A001 or 3A991;

* * * * *

Notes: * * *

* * * * *

3. Electronic ''parts,'' ''components,'' ''assemblies'' and integrated circuits not controlled by 3A001 or 3A991 provided such test equipment does not incorporate computing facilities with ''user accessible programmability''.

■ 145. In Supplement No. 1 to part 774 (the Commerce Control List), Category 3—Electronics, Export Control Classification Number (ECCN) 3D001 is amended by revising the introductory text of ''Related Controls'' paragraph in the List of Items Controlled section to read as follows:

3D001 ''Software'' ''specially designed'' for the ''development'' or ''production'' of equipment controlled by 3A001.b to 3A002.g or 3B (except 3B991 and 3B992).

* * * * *

List of Items Controlled

* * * * *

Related Controls: ''Software'' ''specially designed'' for the ''development'' or ''production'' of the following equipment is ''subject to the ITAR'' (see 22 CFR parts 120 through 130): * * *

* * * * *

■ 146. In Supplement No. 1 to part 774 (the Commerce Control List), Category 3—Electronics, Export Control Classification Number (ECCN) 3D980 is amended by revising the heading to read as follows:

3D980 ''Software'' ''specially designed'' for the ''development,'' ''production'' or ''use'' of commodities controlled by 3A980 and 3A981.

* * * * *

■ 147. In Supplement No. 1 to part 774 (the Commerce Control List), Category 3—Electronics, Export Control Classification Number (ECCN) 3D991 is amended by revising the heading to read as follows:

3D991 ''Software'' ''specially designed'' for the ''development,'' ''production'' or ''use'' of electronic devices, ''parts'' or ''components'' controlled by 3A991, general purpose electronic equipment controlled by 3A992, or manufacturing and test equipment controlled by 3B991 and 3B992; or ''software'' ''specially designed'' for the ''use'' of equipment controlled by 3B001.g and .h.

* * * * *

■ 148. In Supplement No. 1 to part 774 (the Commerce Control List), Category 3—Electronics, Export Control Classification Number (ECCN) 3E001 is amended:

■ a. By revising the introductory text of ''Related Controls'' paragraph (2) in the List of Items Controlled section; and

■ b. By revising ''Note 1'' at the end of the ''items'' paragraph in the List of Items Controlled to read as follows:

3E001 ''Technology'' according to the General Technology Note for the ''development'' or ''production'' of equipment or materials controlled by 3A (except 3A292, 3A980, 3A981, 3A991

3A992, or 3A999), 3B (except 3B991 or 3B992) or 3C (except 3C992).

* * * * *

List of Items Controlled

* * * * *

Related Controls: * * * (2) ''Technology'' according to the General Technology Note for the ''development'' or ''production'' of the following commodities is ''subject to the ITAR'' (see 22 CFR parts 120 through 130): * * *

* * * * *

Items:

* * * * *

Note 1: 3E001 does not control ''technology'' for the ''production'' of equipment or ''components'' controlled by 3A003.

* * * * *

■ 149. In Supplement No. 1 to part 774 (the Commerce Control List), Category 3—Electronics, Export Control Classification Number (ECCN) 3E003 is amended by revising ''Related Controls'' paragraph (1) in the List of Items Controlled section to read as follows:

3E003 Other ''technology'' for the ''development'' or ''production'' of the following (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Related Controls: (1) Technology for the ''development'' or ''production'' of ''space qualified'' electronic vacuum tubes operating at frequencies of 31.8 GHz or higher, described in 3E003.g, is ''subject to the ITAR'' (see 22 CFR parts 120 through 130); * * *

* * * * *

■ 150. In Supplement No. 1 to part 774 (the Commerce Control List), Category 3—Electronics, Export Control Classification Number (ECCN) 3E980 is amended by revising the heading to read as follows:

3E980 ''Technology'' specially designed for ''development,'' ''production'' or ''use'' of commodities controlled by 3A980 and 3A981.

* * * * *

■ 151. In Supplement No. 1 to part 774 (the Commerce Control List), Category 3—Electronics, Export Control Classification Number (ECCN) 3E982 is amended by revising the heading to read as follows:

3E982 ''Technology'' ''require'' for the ''development'' or ''production'' of microwave or millimeter wave ''parts'' or ''components'' classified under ECCN 3A982.

* * * * *

■ 152. In Supplement No. 1 to part 774 (the Commerce Control List), Category 3—Electronics, Export Control Classification Number (ECCN) 3E991 is amended by revising the heading to read as follows:

3E991 ''Technology'' for the ''development,'' ''production'' or ''use'' of electronic devices, ''parts'' or ''components'' controlled by 3A991, general purpose electronic equipment controlled by 3A992, or manufacturing and test equipment controlled by 3B991 or 3B992, or materials controlled by 3C992.

* * * * *

■ 153. In Supplement No. 1 to part 774 (the Commerce Control List), Category 4—Computers, Export Control Classification Number (ECCN) 4A001 is amended:

■ a. By revising the heading; and

■ b. By revising ''Related Controls'' paragraph in the List of Items Controlled section to read as follows:

4A001 Electronic computers and related equipment, having any of the following (see List of Items Controlled), and ''electronic assemblies'' and ''specially designed'' ''components'' therefor.

* * * * *

List of Items Controlled

* * * * *

Related Controls: See also 4A101 and 4A994. See Category 5-Part 2 for electronic computers and related equipment performing or incorporating ''information security'' functions as the primary function. Equipment designed or rated for transient ionizing radiation is ''subject to the ITAR'' (see 22 CFR parts 120 through 130).

* * * * *

■ 154. In Supplement No. 1 to part 774 (the Commerce Control List), Category 4—Computers, Export Control Classification Number (ECCN) 4A003 is amended:

■ a. By revising the heading;

■ b. By removing Note 2 at the end of the License Requirements section;

■ c. By adding a Reporting Requirements section after the License Requirements section; and

■ d. By revising the License Exception GBS paragraph in the License Exceptions section to read as follows:

4A003 ''Digital computers,'' ''electronic assemblies'' and related equipment therefor, as follows (see List of Items Controlled) and ''specially designed'' ''components'' therefor.

* * * * *

Reporting Requirements

Special Post Shipment Verification reporting and recordkeeping requirements for exports of computers to destinations in Computer Tier 3 may be found in § 743.2 of the EAR.

License Exceptions

* * * * *

GBS: Yes, for 4A003.e, and .g and ''specially designed'' ''parts'' and ''components'' therefor, exported separately or as part of a system.

* * * * *

■ 155. In Supplement No. 1 to part 774 (the Commerce Control List), Category 4—Computers, Export Control Classification Number (ECCN) 4A004 is amended by adding quotes around components in the heading.

■ 156. In Supplement No. 1 to part 774 (the Commerce Control List), Category 4—Computers, Export Control Classification Number (ECCN) 4A101 is amended by revising the ''Note'' to ''items'' paragraph b in the List of Items Controlled section to read as follows:

4A101 Analog computers, ''digital computers'' or digital differential analyzers, other than those controlled by 4A001 designed or modified for use in ''missiles,'' having any of the following (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

b. * * *

Note: 'Radiation hardened' means that the ''part,'' ''component'' or equipment is designed or rated to withstand radiation levels which meet or exceed a total irradiation dose of 5×10^5 rads (Si).

* * * * *

■ 157. In Supplement No. 1 to part 774 (the Commerce Control List), Category 4—Computers, Export Control Classification Number (ECCN) 4A102 is amended by revising the heading to read as follows:

4A102 ''Hybrid computers'' ''specially designed'' for modelling, simulation or design integration of ''missiles'' or their subsystems. (These items are ''subject to the ITAR.'' See 22 CFR parts 120 through 130.)

* * * * *

■ 158. In Supplement No. 1 to part 774 (the Commerce Control List), Category 4—Computers, Export Control Classification Number (ECCN) 4A994 is amended:

■ a. By revising the heading; and

■ b. By revising the introductory text to ''items'' paragraphs a and k in the List of Items Controlled section to read as follows:

4A994 Computers, ''electronic assemblies'' and related equipment not controlled by 4A001 or 4A003, and ''specially designed'' ''parts'' and ''components'' therefor (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

a. Electronic computers and related equipment, and ''electronic assemblies'' and ''specially designed'' ''parts'' and ''components'' therefor, rated for operation at an ambient temperature above 343 K (70° C);

* * * * *

k. ''Hybrid computers'' and ''electronic assemblies'' and ''specially designed'' ''parts'' and ''components'' therefor containing analog-to-digital converters having all of the following characteristics:

* * * * *

■ 159. In Supplement No. 1 to part 774 (the Commerce Control List), Category 4—Computers, Export Control Classification Number (ECCN) 4D001 is amended by adding a Reporting Requirements section after the License Requirements section to read as follows:

4D001 ''Software'' as follows (see List of Items Controlled).

* * * * *

Reporting Requirements

See § 743.1 of the EAR for reporting requirements for exports under License Exceptions, Special Comprehensive Licenses, and Validated End-User authorizations.

* * * * *

■ 160. In Supplement No. 1 to part 774 (the Commerce Control List), Category 4—Computers, Export Control Classification Number (ECCN) 4D980 is amended by revising the heading to read as follows:

4D980 ''Software'' ''specially designed'' for the ''development,'' ''production'' or ''use'' of commodities controlled by 4A980.

* * * * *

■ 161. In Supplement No. 1 to part 774 (the Commerce Control List), Category 4—Computers, Export Control Classification Number (ECCN) 4E980 is amended by revising the heading to read as follows:

4E980 ''Technology'' for the ''development,'' ''production'' or ''use'' of commodities controlled by 4A980.

* * * * *

■ 162. In Supplement No. 1 to part 774 (the Commerce Control List), Category 5—Telecommunications and ''Information Security,'' Part 1—Telecommunications is amended by adding quotes around the term components in the introductory text of Note 1, the N.B.2 and Note 2 that immediately follows the Category 5 Part 1—Telecommunications heading.

■ 163. In Supplement No. 1 to part 774 (the Commerce Control List), Category 5—Telecommunications and ''Information Security,'' Part 1—Telecommunications, Export Control Classification Number (ECCN) 5A001 is amended:

■ a. By revising the heading;

■ b. By revising ''Related Controls'' paragraph in the List of Items Controlled section;

■ c. By revising the introductory text to ''items'' paragraph b, e, and f in the List of Items Controlled section; and

■ d. By revising ''items'' paragraph d and the Note to paragraph d in the List of Items Controlled section to read as follows:

5A001 Telecommunications systems, equipment, ''components'' and ''accessories,'' as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Related Controls: (1) Telecommunications equipment defined in 5A001.a.1 through 5A001.a.3 for use on board satellites is ''subject to the ITAR'' (see 22 CFR parts 120 through 130). (2) Direction finding equipment defined in 5A001.e is ''subject to the ITAR'' (see 22 CFR parts 120 through 130). (3) See also 5A101 and 5A991.

* * * * *

Items:

* * * * *

b. Telecommunication systems and equipment, and ''specially designed'' ''components'' and accessories therefor, having any of the following characteristics, functions or features:

* * * * *

d. ''Electronically steerable phased array antennas'' operating above 31.8 GHz;

Note: 5A001.d does not control ''electronically steerable phased array antennas'' for landing systems with instruments meeting ICAO standards covering Microwave Landing Systems (MLS).

e. Radio direction finding equipment operating at frequencies above 30 MHz and having all of the following, and ''specially designed'' ''components'' therefor:

* * * * *

f. Mobile telecommunications interception or jamming equipment, and monitoring equipment therefor, as follows, and ''specially designed'' ''components'' therefor:

* * * * *

■ 164. In Supplement No. 1 to part 774 (the Commerce Control List), Category 5—Telecommunications and ''Information Security,'' Part 1 Telecommunications, Export Control Classification Number (ECCN) 5A980 is amended by revising the heading to read as follows:

5A980 Devices primarily useful for the surreptitious interception of wire, oral, or electronic communications, other than those controlled under 5A001.i; and ''parts,'' ''components'' and ''accessories'' therefor.

* * * * *

■ 165. In Supplement No. 1 to part 774 (the Commerce Control List), Category 5—Telecommunications and ''Information Security,'' Part 1—Telecommunications, Export Control Classification Number (ECCN) 5A991 is amended:

■ a. By revising the heading;

■ b. By revising the ''Related Controls'' paragraph in the List of Items Controlled section;

■ c. By revising the introductory text to ''items'' paragraphs b and c in the List of Items Controlled section; and

■ d. By revising ''items'' paragraph c.1, f, g, and h in the List of Items Controlled section to read as follows:

5A991 Telecommunication equipment, not controlled by 5A001 (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Related Controls: (1) Telecommunication equipment defined in 5A991 for use on board satellites is ''subject to the ITAR'' (see 22 CFR parts 120 through 130). (2) See also 5E101 and 5E991.

* * * * *

Items:

* * * * *

b. Telecommunication transmission equipment and systems, and ''specially designed'' ''parts,'' ''components'' and ''accessories'' therefor, having any of the following characteristics, functions or features:

* * * * *

c. ''Stored program controlled'' switching equipment and related signaling systems, having any of the following characteristics, functions or features, and ''specially designed'' ''parts,'' ''components'' and ''accessories'' therefor:

Note: * * *

c.1. ''Data (message) switching'' equipment or systems designed for ''packet-mode operation'' and ''parts,'' electronic assemblies and ''components'' therefor, n.e.s.

* * * * *

f. Phased array antennas, operating above 10.5 GHz, containing active elements and distributed ''parts'' or ''components,'' and designed to permit electronic control of beam shaping and pointing, except for landing systems with instruments meeting International Civil Aviation Organization (ICAO) standards (microwave landing systems (MLS)).

g. Mobile communications equipment, n.e.s., and ''parts,'' electronic assemblies and ''components'' therefor; *or*

h. Radio relay communications equipment designed for use at frequencies equal to or exceeding 19.7 GHz and ''parts'' and ''components'' therefor, n.e.s.

■ 166. In Supplement No. 1 to part 774 (the Commerce Control List), Category 5—Telecommunications and ''Information Security,'' Part 1—Telecommunications, Export Control Classification Number (ECCN) 5B001 is amended:

■ a. By revising the heading;

■ b. By revising the Special Conditions for License Exception STA paragraph section; and

■ c. By revising the introductory text to ''items'' paragraph a and b in the List of Items Controlled section to read as follows:

5B001 Telecommunication test, inspection and production equipment, ''components'' and ''accessories,'' as follows (see List of Items Controlled).

* * * * *

STA: License Exception STA may not be used to ship 5B001.a equipment and ''specially designed'' ''components'' or ''accessories'' therefor, ''specially designed'' for the ''development,'' or ''production'' of equipment, functions or features specified by in ECCN 5A001.b.3, .b.5 or .h to any of the eight destinations listed in § 740.20(c)(2) of the EAR.

List of Items Controlled

* * * * *

Items:

a. Equipment and ''specially designed'' ''components'' or ''accessories'' therefor, ''specially designed'' for the ''development,'' or ''production'' of equipment, functions or features, controlled by 5A001.

* * * * *

b. Equipment and ''specially designed'' components or ''accessories'' therefor, ''specially designed'' for the ''development'' of any of the following telecommunication transmission or switching equipment:

* * * * *

■ 167. In Supplement No. 1 to part 774 (the Commerce Control List), Category 5—Telecommunications and ''Information Security,'' Part 1—Telecommunications, Export Control Classification Number (ECCN) 5D001 is amended by revising the License Exception TSR paragraph in the License Exceptions section to read as follows:

5D001 ''Software'' as follows (see List of Items Controlled).

* * * * *

License Exceptions

* * * * *

TSR: Yes, except for exports and reexports to destinations outside of those countries listed in Country Group A:5 (See Supplement No. 1 to part 740 of the EAR) of ''software'' controlled by 5D001.a and ''specially designed'' for items controlled by 5A001.b.5 and 5A001.h.

* * * * *

■ 168. In Supplement No. 1 to part 774 (the Commerce Control List), Category 5—Telecommunications and ''Information Security,'' Part 1—Telecommunications, Export Control Classification Number (ECCN) 5D101 is amended by revising the heading to read as follows:

5D101 ''Software'' ''specially designed'' or modified for the ''use'' of equipment controlled by 5A101.

* * * * *

■ 169. In Supplement No. 1 to part 774 (the Commerce Control List), Category 5—Telecommunications and ''Information Security,'' Part 1—Telecommunications, Export Control Classification Number (ECCN) 5D991 is amended by revising the heading to read as follows:

5D991 ''Software'' ''specially designed'' or modified for the ''development,'' ''production'' or ''use'' of equipment controlled by 5A991 and 5B991, and dynamic adaptive routing software as described as follows (see List of Items Controlled).

* * * * *

■ 170. In Supplement No. 1 to part 774 (the Commerce Control List), Category 5—Telecommunications and ''Information Security,'' Part 1—Telecommunications, Export Control Classification Number (ECCN) 5E001 is amended:

■ a. By revising the introductory text of the License Exception TSR paragraph in the License Exceptions section;

■ b. By revising ''Related Controls'' paragraph in the List of Items Controlled section; and

■ c. By revising the introductory text to ''items'' paragraph e in the list of Items Controlled section to read as follows:

5E001 ''Technology'' as follows (see List of Items Controlled).

* * * * *

License Exceptions

* * * * *

TSR: Yes, except for exports and reexports to destinations outside of those countries listed in Country Group A:5 (See Supplement No. 1 to part 740 of the EAR) of ''technology'' controlled by 5E001.a for the ''development'' or ''production'' of the following:

* * * * *

List of Items Controlled

* * * * *

Related Controls: (1) Technology defined in 5E001.b.1, 5E001.b.2, 5E001.b.4, or 5E001.c for use on board satellites is ''subject to ITAR'' (see 22 CFR parts 120 through 130). (2) See also 5E101, 5E980 and 5E991.

* * * * *

Items:

* * * * *

e. ''Technology'' according to the General Technology Note for the ''development'' or ''production'' of electronic devices and circuits, ''specially designed'' for telecommunications and containing ''components'' manufactured from ''superconductive'' materials, ''specially designed'' for operation at temperatures below the ''critical temperature'' of at least one of the ''superconductive'' constituents and having any of the following:

* * * * *

■ 171. In Supplement No. 1 to part 774 (the Commerce Control List), Category 5—Telecommunications and ''Information Security,'' Part 2—Information Security, Export Control Classification Number (ECCN) 5A002 is amended:

■ a. By revising the heading:

■ b. By revising the License Exception LVS paragraph in the License Exceptions section; and

■ c. By revising the introductory text to ''items'' paragraph a in the List of Items Controlled section to read as follows:

5A002 ''Information security'' systems, equipment ''components'' therefor, as follows (see List of Items Controlled).

* * * * *

License Exceptions

LVS: Yes: $500 for ''components''. N/A for systems and equipment.

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

a. Systems, equipment, application specific ''electronic assemblies,'' modules and integrated circuits for ''information security,'' as follows, and ''components'' therefor ''specially designed'' for ''information security'':

* * * * *

■ 172. In Supplement No. 1 to part 774 (the Commerce Control List), Category 5—Telecommunications and ''Information Security,'' Part 2—Information Security, Export Control Classification Number (ECCN) 5A992 is amended by revising the heading and the ''items'' paragraph b in the List of Items Controlled section to read as follows:

5A992 Equipment not controlled by 5A002 (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

b. ''Information security'' equipment, n.e.s., (e.g., cryptographic, cryptanalytic, and cryptologic equipment, n.e.s.) and ''components'' therefor.

* * * * *

■ 173. In Supplement No. 1 to part 774 (the Commerce Control List), Category 5—Telecommunications and ''Information Security,'' Part 2—Information Security, Export Control Classification Number (ECCN) 5D992 is amended by revising the heading to read as follows:

5D992 ''Information Security'' ''software'' not controlled by 5D002 as follows (see List of Items Controlled).

* * * * *

■ 174. In Supplement No. 1 to part 774 (the Commerce Control List), Category 5—Telecommunications and ''Information Security,'' Part 2—Information Security, Export Control Classification Number (ECCN) 5E992 is amended by revising the heading to read as follows:

5E992 ''Information Security'' ''technology'' according to the General Technology Note, not controlled by 5E002, as follows (see List of Items Controlled).

■ 175. In Supplement No. 1 to part 774 (the Commerce Control List), Category 6—Sensors and Lasers, Export Control Classification Number (ECCN) 6A001 is amended by adding quotes around the term components in the heading and in the introductory text to ''items'' paragraph a, a.1, a.1.d, and a.2 and the ''Note'' to a.2.f in the List of Items Controlled section.

■ 176. In Supplement No. 1 to part 774 (the Commerce Control List), Category 6—Sensors and Lasers, Export Control Classification Number (ECCN) 6A002 is amended:

■ a. By revising the heading;

■ b. By revising the Special Conditions for License Exception STA section; and

■ c. By revising the ''Related Controls'' paragraph in the List of Items Controlled section; and

■ d. By revising the introductory text to ''items'' paragraphs a.2, a.2.c and d in the List of Items Controlled section to read as follows:

6A002 Optical sensors and equipment, and ''components'' therefor, as follows (see List of Items Controlled).

* * * * *

STA: License Exception STA may not be used to ship to any of the eight destinations listed in § 740.20(c)(2) of the EAR any commodity in: 6A002.a.1.a or .b.

* * * * *

List of Items Controlled

* * * * *

Related Controls: (1) The following commodities are ''subject to the ITAR'' (see 22 CFR parts 120 through 130): (a) ''Image intensifiers'' defined in 6A002.a.2 and ''focal plane arrays'' defined in 6A002.a.3 ''specially designed,'' modified, or configured for military use and not part of civil equipment; (b) ''Space qualified'' solid-state detectors defined in 6A002.a.1, ''space qualified'' imaging sensors (e.g., ''monospectral imaging sensors'' and ''multispectral imaging sensors'') defined in 6A002.b.2.b.1, and ''space qualified'' cryocoolers defined in *6A002.d.1,* unless, on or after September 23, 2002, the Department of State issues a commodity jurisdiction determination indicating the commodity is subject to the EAR. (2) See also 6A102, 6A202, and 6A992.

* * * * *

Items:

* * * * *

a. * * * * *

a.2. Image intensifier tubes and ''specially designed'' ''components'' therefor, as follows:

* * * * *

a.2.c. ''Specially designed'' ''components,'' as follows:

* * * * *

d. Special support ''components'' for optical sensors, as follows:

* * * * *

■ 177. In Supplement No. 1 to part 774 (the Commerce Control List), Category 6—Sensors and Lasers, Export Control Classification Number (ECCN) 6A003 is amended:

■ a. By revising the heading:

■ b. By removing the License Requirement Notes section;

■ c. By adding a Reporting Requirements section after the License Requirements section; and

■ d. By revising the introductory text to ''items'' paragraph a in the List of Items Controlled section to read as follows:

6A003 Cameras, systems or equipment, and ''components'' therefor, as follows (see List of Items Controlled).

* * * * *

Reporting Requirements

See § 743.3 of the EAR for thermal camera reporting for exports that are not authorized by an individually validated license of thermal imaging cameras controlled by ECCN 6A003.b.4.b to Albania, Australia, Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, South Africa, South Korea, Spain, Sweden, Switzerland, Turkey, or the United Kingdom, must be reported to BIS.

* * * * *

List of Items Controlled

* * * * *

Items:

a. Instrumentation cameras and ''specially designed'' ''components'' therefor, as follows:

* * * * *

■ 178. In Supplement No. 1 to part 774 (the Commerce Control List), Category 6—Sensors and Lasers, Export Control Classification Number (ECCN) 6A004 is amended:

■ a. By revising the heading;

■ b. By revising the ''Related Controls'' paragraph (2) in the List of Items Controlled section; and

■ c. By revising ''items'' paragraph a.1 in the List of Items Controlled section;

■ d. By revising the introductory text of paragraph b in the List of Items Controlled section;

■ e. By revising the introductory text of paragraph c in the List of Items Controlled section; and

■ f. By revising paragraphs c.1, c.4, and d.1 in the List of Items Controlled section to read as follows:

6A004 Optical equipment and components, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Related Controls: * * * (2) ''Space qualified'' ''parts'' and ''components'' for optical systems defined in *6A004.c* and optical control equipment defined in *6A004.d.1* are ''subject to the ITAR'' (see 22 CFR parts 120 through 130). * * *

Related Definitions: * * *

Items:

* * * * *

a.1. ''Deformable mirrors'' having either continuous or multi element surfaces, and ''specially designed'' ''components'' therefor, capable of dynamically repositioning portions of the surface of the mirror at rates exceeding 100 Hz;

* * * * *

b. Optical ''components'' made from zinc selenide (ZnSe) or zinc sulphide (ZnS) with transmission in the wavelength range exceeding 3,000 nm but not exceeding 25,000 nm and having any of the following:

* * * * *

c. ''Space-qualified'' ''components'' for optical systems, as follows:

c.1. ''Components'' lightweighted to less than 20% ''equivalent density'' compared with a solid blank of the same aperture and thickness;

* * * * *

c.4. ''Components manufactured from ''composite'' materials having a coefficient of linear thermal expansion equal to or less than 5×10^{-6} in any coordinate direction;

* * * * *

d.1. Equipment ''specially designed'' to maintain the surface figure or orientation of the ''space-qualified'' ''components'' controlled by 6A004.c.1 or 6A004.c.3;

* * * * *

■ 179. In Supplement No. 1 to part 774 (the Commerce Control List), Category 6—Sensors and Lasers, Export Control Classification Number (ECCN) 6A005 is amended:

■ a. By revising the heading;

■ b. By revising the ''Related Controls'' paragraph (6) in the List of Items Controlled section;

■ c. By revising the ''Note'' to ''items'' paragraph a.6.b in the List of Items Controlled section; and

■ d. By revising ''items'' paragraphs e and f.3 in the List of Items Controlled section to read as follows:

6A005 ''Lasers,'' ''components'' and optical equipment, as follows (see List of Items

Controlled), excluding items that are subject to the export licensing authority of the Nuclear Regulatory Commission (see 10 CFR part 110).

* * * * *

List of Items Controlled

* * * * *

Related Controls: * * * (6) Shared aperture optical elements, capable of operating in ''super-high power laser'' applications, and ''lasers'' specifically designed, modified, or configured for military application are ''subject to ITAR'' (see 22 CFR parts 120 through 130).

* * * * *

Items:

* * * * *

a.6.b.2. * * *™

Note: 6A005.a.6.b does not control multiple transverse mode, industrial ''lasers'' with output power exceeding 2kW and not exceeding 6 kW with a total mass greater than 1,200 kg. For the purpose of this note, total mass includes all ''components'' required to operate the ''laser,'' e.g., ''laser,'' power supply, heat exchanger, but excludes external optics for beam conditioning and/or delivery.

* * * * *

e. ''Components'' as follows:

e.1. Mirrors cooled either by 'active cooling' or by heat pipe cooling;

Technical Note: Active cooling is a cooling technique for optical ''components'' using flowing fluids within the subsurface (nominally less than 1 mm below the optical surface) of the optical component to remove heat from the optic.

e.2. Optical mirrors or transmissive or partially transmissive optical or electro-optical-''components,'' ''specially designed'' for use with controlled ''lasers'';

* * * * *

f.3. Optical equipment, and ''components,'' ''specially designed'' for a phased array ''SHPL'' system for coherent beam combination to an accuracy of λ/10 at the designed wavelength, or 0.1 μm, whichever is the smaller;

* * * * *

■ 180. In Supplement No. 1 to part 774 (the Commerce Control List), Category 6—Sensors and Lasers, Export Control Classification Number (ECCN) 6A006 is amended by adding quotes around the term components in the heading.

■ 181. In Supplement No. 1 to part 774 (the Commerce Control List), Category 6—Sensors and Lasers, Export Control Classification Number (ECCN) 6A008 is amended:

■ a. By revising the heading;

■ b. By revising the Note to the ''items'' paragraph in the List of Items Controlled section; and

■ c. By revising ''items'' paragraph e in the List of Items Controlled section to read as follows:

6A008 Radar systems, equipment and assemblies, having any of the following (see List of Items Controlled), and ''specially designed'' ''components'' therefor.

* * * * *

List of Items Controlled

* * * * *

Items:

Note: 6A008 does not control:

—*Secondary surveillance radar (SSR);*

—*Civil Automotive Radar;*

—*Displays or monitors used for air traffic control (ATC);*

—*Meteorological (weather) radar;*

—*Precision Approach Radar (PAR) equipment conforming to ICAO standards and employing electronically steerable linear (1-dimensional) arrays or mechanically positioned passive antennas.*

* * * * *

■ e. Incorporating electronically steerable array antennas;

* * * * *

■ 182. In Supplement No. 1 to part 774 (the Commerce Control List), Category 6—Sensors and Lasers, Export Control Classification Number (ECCN) 6A103 is amended by revising the heading to read as follows:

6A103 Radomes designed to withstand a combined thermal shock greater than 100 cal/sq cm accompanied by a peak over pressure of greater than 50 kPa, usable in protecting ''missiles'' against nuclear effects (e.g., Electromagnetic Pulse (EMP), X-rays, combined blast and thermal effects), and usable for ''missiles''. (These items are ''subject to the ITAR.'' See 22 CFR parts 120 through 130.)

* * * * *

■ 183. In Supplement No. 1 to part 774 (the Commerce Control List), Category 6—Sensors and Lasers, Export Control Classification Number (ECCN) 6A107 is amended:

■ a. By revising the heading; and

■ b. By revising ''items'' paragraph b in the List of Items Controlled section to read as follows:

6A107 Gravity meters (gravimeters) and ''specially designed'' ''parts'' and ''components'' for gravity meters and gravity gradiometers, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

b. ''Specially designed'' ''parts'' and ''components'' for gravity meters controlled in 6A007.b or 6A107.a and gravity gradiometers controlled in 6A007.c.

* * * * *

■ 184. In Supplement No. 1 to part 774 (the Commerce Control List), Category 6—Sensors and Lasers, Export Control Classification Number (ECCN) 6A108 is amended by revising the ''Related Controls'' paragraph (2) in the List of Items Controlled section to read as follows:

6A108 Radar systems and tracking systems, other than those controlled by 6A008, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Related Controls: * * * (2) Items in *6A108.a* that are ''specially designed'' or modified for ''missiles'' or for items on the U.S. Munitions List are ''subject to the ITAR'' (see 22 CFR parts 120 through 130).

* * * * *

■ 185. In Supplement No. 1 to part 774 (the Commerce Control List), Category 6—Sensors and Lasers, Export Control Classification Number (ECCN) 6A203 is amended:

■ a. By revising the heading; and

■ b. By revising the introductory text to ''items'' paragraph a and the Note to paragraph a in the List of Items Controlled section to read as follows:

6A203 Cameras and ''parts'' and ''components,'' other than those controlled by 6A003, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

a. Mechanical rotating mirror cameras, as follows, and ''specially designed'' ''parts'' and ''components'' therefor:

* * * * *

Note: ''Parts'' and ''components'' of cameras controlled by 6A203.a include their synchronizing electronics units and rotor assemblies consisting of turbines, mirrors and bearings.

* * * * *

■ 186. In Supplement No. 1 to part 774 (the Commerce Control List), Category 6—Sensors and Lasers, Export Control Classification Number (ECCN) 6A205 is amended by revising the heading to read as follows:

6A205 ''Lasers,'' ''laser'' amplifiers and oscillators, other than those controlled by 6A005 (see List of Items Controlled), excluding items that are subject to the export licensing authority of the Nuclear Regulatory Commission (see 10 CFR part 110).

* * * * *

■ 187. In Supplement No. 1 to part 774 (the Commerce Control List), Category 6—Sensors and Lasers, Export Control Classification Number (ECCN) 6A991 is amended by revising the heading to read as follows:

6A991 Marine or terrestrial acoustic equipment, n.e.s., capable of detecting or locating underwater objects or features or positioning surface vessels or underwater vehicles; and ''specially designed'' ''parts'' and ''components,'' n.e.s.

* * * * *

■ 188. In Supplement No. 1 to part 774 (the Commerce Control List), Category 6—Sensors and Lasers, Export Control Classification Number (ECCN) 6A992 is amended:

■ a. By revising the heading; and

■ b. By revising the introductory text to ''items'' paragraph a in the List of Items Controlled section to read as follows:

6A992 Optical Sensors, not controlled by 6A002, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

a. Image intensifier tubes and ''specially designed'' ''components'' therefor, as follows:

* * * * *

■ 189. In Supplement No. 1 to part 774 (the Commerce Control List), Category 6—Sensors and Lasers, Export Control Classification Number (ECCN) 6A994 is amended by revising the heading to read as follows:

6A994 Optics, not controlled by 6A004, as follows (see List of Items Controlled).

* * * * *

■ 190. In Supplement No. 1 to part 774 (the Commerce Control List), Category 6—Sensors and Lasers, Export Control Classification Number (ECCN) 6A995 is amended:

■ a. By revising the heading; and

■ b. By revising the ''Note'' following ''items'' paragraph e.2.b in the List of Items Controlled section to read as follows:

6A995 ''Lasers'' as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

e.2.b. * * *

Note: 6A995.e.2.b does not control multiple transverse mode, industrial ''lasers'' with output power less than or equal to 2kW with a total mass greater than 1,200kg. For the purpose of this note, total mass includes all ''components'' required to operate the ''laser,'' e.g., ''laser,'' power supply, heat exchanger, but excludes external optics for beam conditioning and/or delivery.

* * * * *

■ 191. In Supplement No. 1 to part 774 (the Commerce Control List), Category 6—Sensors and Lasers, Export Control Classification Number (ECCN) 6A996 is amended:

■ a. By revising the heading; and

■ b. By revising the introductory text to ''items'' paragraph b in the List of Items Controlled section to read as follows:

6A996 ''Magnetometers'' not controlled by ECCN 6A006, ''Superconductive'' electromagnetic sensors, and ''specially designed'' ''components'' therefor, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

b. ''Superconductive'' electromagnetic sensors, ''components'' manufactured from ''superconductive'' materials:

* * * * *

■ 192. In Supplement No. 1 to part 774 (the Commerce Control List), Category 6—Sensors and Lasers, Export Control Classification Number (ECCN) 6A997 is amended by revising the heading to read as follows:

6A997 Gravity meters (gravimeters) for ground use, n.e.s., as follows (see List of Items Controlled).

* * * * *

■ 193. In Supplement No. 1 to part 774 (the Commerce Control List), Category 6—Sensors and Lasers, Export Control Classification Number (ECCN) 6A998 is amended:

■ a. By revising the heading; and

■ b. By revising ''items'' paragraph a in the List of Items Controlled section to read as follows:

6A998 Radar systems, equipment and ''major components'' n.e.s., and ''specially designed'' ''components'' therefor, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

a. Airborne radar equipment, n.e.s., and ''specially designed'' ''components'' therefor.

* * * * *

■ 194. In Supplement No. 1 to part 774 (the Commerce Control List), Category 6—Sensors and Lasers, Export Control Classification Number (ECCN) 6B008 is amended by adding quotes around the term components in the heading.

■ 195. In Supplement No. 1 to part 774 (the Commerce Control List), Category 6—Sensors and Lasers, Export Control Classification Number (ECCN) 6B995 is amended by revising the heading to read as follows:

6B995 ''Specially designed'' or modified equipment (see List of Items Controlled), including tools, dies, fixtures or gauges, and other ''specially designed'' ''parts,'' ''components'' and ''accessories'' therefor as follows (see List of Items Controlled).

* * * * *

■ 196. In Supplement No. 1 to part 774 (the Commerce Control List), Category 6—Sensors and Lasers, Export Control Classification Number (ECCN) 6C992 is amended by revising the heading to read as follows:

6C992 Optical sensing fibers not controlled by 6A002.d.3 that are modified structurally to have a 'beat length' of less than 500 mm (high birefringence) or optical sensor materials not described in 6C002.b and having a zinc content of equal to or more than 6% by 'mole fraction.'

* * * * *

■ 197. In Supplement No. 1 to part 774 (the Commerce Control List), Category 6—Sensors and Lasers, Export Control Classification Number (ECCN) 6C994 is amended by revising the heading to read as follows:

6C994 Optical materials, as follows (see List of Items Controlled).

* * * * *

■ 198. In Supplement No. 1 to part 774 (the Commerce Control List), Category 6—Sensors and Lasers, Export Control Classification Number (ECCN) 6D001 is amended:

■ a. By revising the License Exception TSR paragraph (3) in the License Exceptions section; and

■ b. By revising the ''Related Controls'' paragraph in the List of Items Controlled section to read as follows:

6D001 ''Software'' ''specially designed'' for the ''development'' or ''production'' of equipment controlled by 6A004, 6A005, 6A008 or 6B008.

* * * * *

License Exceptions

CIV: * * *

TSR: * * *

(3) Exports or reexports to destinations outside of those countries listed in Country Group A:5 (See Supplement No. 1 to part 740 of the EAR) of ''software'' ''specially designed'' for the ''development'' or ''production'' of equipment controlled by 6A004.c or d, 6A008.d, h, k or 6B008.

* * * * *

List of Items Controlled

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Related Controls: (1) ''Software'' ''specially designed'' for the ''development'' or ''production'' of ''space qualified'' ''parts'' and ''components'' for optical systems defined in 6A004.c and ''space qualified'' optical control equipment defined in 6A004.d.1 is ''subject to the ITAR'' (see 22

CFR parts 120 through 130). (2) See also 6D991, and ECCN 6E001 (''development'') for ''technology'' for items controlled under this entry.

* * * * *

■ 199. In Supplement No. 1 to part 774 (the Commerce Control List), Category 6—Sensors and Lasers, Export Control Classification Number (ECCN) 6D002 is amended by revising the ''Related Controls'' paragraph in the List of Items Controlled section to read as follows:

6D002 ''Software'' ''specially designed'' for the ''use'' of equipment controlled by 6A002.b, 6A008 or 6B008.

* * * * *

List of Items Controlled

* * * * *

Related Controls: (1) ''Software'' ''specially designed'' for the ''use'' of ''space qualified'' imaging sensors (e.g., ''monospectral imaging sensors'' and ''multispectral imaging sensors'') defined in 6A002.b.2.b.1 is ''subject to the ITAR'' (see 22 CFR parts 120 through 130), unless, on or after September 23, 2002, the Department of State issues a commodity jurisdiction determination indicating the ''software'' is subject to the EAR. (2) ''Software'' ''specially designed'' for the ''use'' of ''space qualified'' LIDAR equipment ''specially designed'' for surveying or for meteorological observation, released from control under the note in 6A008.j, is controlled in 6D991. (3) See also 6D102, 6D991, and 6D992.

* * * * *

■ 200. In Supplement No. 1 to part 774 (the Commerce Control List), Category 6—Sensors and Lasers, Export Control Classification Number (ECCN) 6D003 is amended by revising the License Exception TSR paragraph in the License Exceptions section to read as follows:

6D003 Other ''software'' as follows (see List of Items Controlled).

* * * * *

License Exceptions

* * * * *

TSR: Yes, except for exports or reexports to destinations outside of those countries listed in Country Group A:5 (See Supplement No. 1 to part 740 of the EAR) of ''software'' for items controlled by 6D003.a.

* * * * *

■ 201. In Supplement No. 1 to part 774 (the Commerce Control List), Category 6—Sensors and Lasers, Export Control Classification Number (ECCN) 6D102 is amended by revising the heading to read as follows:

6D102 ''Software'' ''specially designed'' or modified for the ''use'' of equipment controlled by 6A108.

* * * * *

■ 202–203. In Supplement No. 1 to part 774 (the Commerce Control List), Category 6—Sensors and Lasers, Export Control Classification Number (ECCN) 6D993 is amended by revising the heading to read as follows:

6D993 Other ''software,'' not controlled by 6D003, as follows (see List of Items Controlled).

* * * * *

■ 204. In Supplement No. 1 to part 774 (the Commerce Control List), Category 6—Sensors and Lasers, Export Control Classification Number (ECCN) 6E001 is amended:

■ a. By removing the term ''equipment'' and adding in its place the term ''items'' in the ''NP'' and ''RS'' paragraphs in the License Requirements section;

■ b. By revising the License Exception TSR paragraph (4) introductory text in the License Exceptions section; and

■ c. By revising the ''Related Controls'' paragraph in the List of Items Controlled section to read as follows:

6E001 ''Technology'' according to the General Technology Note for the ''development'' of equipment, materials or ''software'' controlled by 6A (except 6A991, 6A992, 6A994, 6A995, 6A996, 6A997, or 6A998), 6B (except 6B995), 6C (except 6C992 or 6C994) or 6D (except 6D991, 6D992, or 6D993).

* * * * *

License Exceptions

* * * * *

TSR: * * *

(4) Exports or reexports to destinations outside of those countries listed in Country Group A:5 (See Supplement No. 1 to part 740 of the EAR) of ''technology'' for the ''development'' of the following:

* * * * *

List of Items Controlled

* * * * *

Related Controls: (1) ''Technology'' according to the General Technology Note for the ''development'' of the following commodities is ''subject to the ITAR'' (see 22 CFR parts 120 through 130): ''Space qualified'' (a) ''Parts'' and ''components'' for optical systems defined in *6A004.c* and optical control equipment defined in *6A004.d.1.;* (b) Solid-state detectors defined in *6A002.a.1,* ''imaging sensors'' (e.g., ''monospectral imaging sensors'' and ''multispectral imaging sensors'') defined in *6A002.b.2.b.1,* and cryocoolers defined in *6A002.d.1* unless on or after September 23, 2002, the Department of State issues a commodity jurisdiction determination indicating the ''technology'' is subject to the EAR. (2) See also *6E101, 6E201,* and *6E991.*

* * * * *

■ 205. In Supplement No. 1 to part 774 (the Commerce Control List), Category 6—Sensors and Lasers, Export Control Classification Number (ECCN) 6E002 is amended:

■ a. By removing the term ''equipment'' and adding in its place the term ''items'' in the ''NP'' and ''RS'' paragraphs in the License Requirements section;

■ b. By revising the License Exception TSR paragraph (3) introductory text in the License Exceptions section; and

■ c. By revising the ''Related Controls'' paragraph in the List of Items Controlled section to read as follows:

6E002 ''Technology'' according to the General Technology Note for the ''production'' of equipment or materials controlled by 6A (except 6A991, 6A992, 6A994, 6A995, 6A996, 6A997 or 6A998), 6B (except 6B995) or 6C (except 6C992 or 6C994).

* * * * *

License Exceptions

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TSR: * * *

(3) Exports or reexports to destinations outside of those countries listed in Country Group A:5 (See Supplement No. 1 to part 740 of the EAR) of ''technology'' for the ''development'' of the following:

* * * * *

List of Items Controlled

* * * * *

Related Controls: (1) ''Technology'' according to the General Technology Note for the ''production'' of the following commodities is ''subject to the ITAR'' (see 22 CFR parts 120 through 130) when intended for use on a satellite: ''Space qualified'' (a) ''Parts'' and ''components'' for optical systems defined in *6A004.c* and optical control equipment defined in *6A004.d.1;* (b) Solid-state detectors defined in *6A002.a.1,* ''imaging sensors'' (e.g., ''monospectral imaging sensors'' and ''multispectral imaging sensors'') defined in *6A002.b.2.b.1,* and cryocoolers defined in *6A002.d.1* unless on or after September 23, 2002, the Department of State issues a commodity jurisdiction determination indicating the ''technology'' is subject to the EAR. (2) See also *6E992.*

* * * * *

■ 206. In Supplement No. 1 to part 774 (the Commerce Control List), Category 6– Sensors and Lasers, Export Control Classification Number (ECCN) 6E993 is amended by revising the introductory text to ''items'' paragraph a to read as follows:

6E993 Other ''technology,'' not controlled by 6E003, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

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a. Optical fabrication technologies for serially producing optical ''parts'' and ''components'' at a rate exceeding 10 m^2 of

surface area per year on any single spindle and having all of the following:

* * * * *

■ 207. In Supplement No. 1 to part 774 (the Commerce Control List), Category 7—Navigation and Avionics, Export Control Classification Number (ECCN) 7A001 is amended by adding quotes around the term components in the heading.

■ 208. In Supplement No. 1 to part 774 (the Commerce Control List), Category 7—Navigation and Avionics, Export Control Classification Number (ECCN) 7A002 is amended by adding quotes around the term component in the heading.

■ 209. In Supplement No. 1 to part 774 (the Commerce Control List), Category 7—Navigation and Avionics, Export Control Classification Number (ECCN) 7A003 is amended:

■ a. By revising the heading;

■ b. By revising the ''Related Controls'' paragraph in the List of Items Controlled section; and

■ c. By revising the introductory text to ''items'' paragraphs a and c in the List of Items Controlled section to read as follows:

7A003 Inertial systems and ''specially designed'' ''components,'' as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Related Controls: (1) See also 7A103 and 7A994. (2) Inertial Navigation Systems (INS) and inertial equipment, and ''specially designed'' ''parts'' and ''components'' therefor specifically designed, modified or configured for military use are ''subject to the ITAR'' (see 22 CFR parts 120 through 130).

* * * * *

Items:

a. Inertial Navigation Systems (INS) (gimballed or strapdown) and inertial equipment, designed for ''aircraft,'' land vehicles, vessels (surface or underwater) or ''spacecraft,'' for navigation, attitude, guidance or control and having any of the following and ''specially designed'' ''components'' therefor:

* * * * *

c. Inertial measurement equipment for heading or True North determination and having any of the following, and ''specially designed'' ''components'' therefor:

* * * * *

■ 210. In Supplement No. 1 to part 774 (the Commerce Control List), Category 7—Navigation and Avionics, Export Control Classification Number (ECCN) 7A004 is amended by adding quotes around the term components in the heading; and adding quotes around the term Components in the ''items'' paragraph b in the List of Items Controlled section.

■ 211. In Supplement No. 1 to part 774 (the Commerce Control List), Category 7—Navigation and Avionics, Export Control Classification Number (ECCN) 7A005 is amended:

■ a. By revising the heading;

■ b. By revising the License Requirements section;

■ c. By revising the ''Related Controls'' paragraph in the List of Items Controlled section; and

■ d. By revising the ''Note'' to ''items'' paragraph b in the List of Items Controlled section to read as follows:

7A005 Global Navigation Satellite Systems (GNSS) receiving equipment having any of the following (see List of Items Controlled) and ''specially designed'' ''components'' therefor.

* * * * *

License Requirements

These items are ''subject to the ITAR'' (see 22 CFR parts 120 through 130).

List of Items Controlled

* * * * *

Related Controls: (1) See also 7A105 and 7A994. Typically commercially available GPS do not employ decryption or adaptive antenna and are classified as 7A994. (2) For equipment ''specially designed'' for military use, see Categories XI and XV of the U.S. Munitions List (22 CFR 121).

* * * * *

Items:

* * * * *

b. * * *

Note: 7A005.b does not apply to GNSS receiving equipment that only uses ''components'' designed to filter, switch, or combine signals from multiple omni-directional antennas that do not implement adaptive antenna techniques.

* * * * *

■ 212. In Supplement No. 1 to part 774 (the Commerce Control List), Category 7—Navigation and Avionics, Export Control Classification Number (ECCN) 7A008 is amended by adding quotes around the term components in the heading.

■ 213. In Supplement No. 1 to part 774 (the Commerce Control List), Category 7—Navigation and Avionics, Export Control Classification Number (ECCN) 7A101 is amended:

■ a. By revising the heading; and

■ b. By revising the introductory text to ''items'' paragraph a in the List of Items Controlled section to read as follows:

7A101 Accelerometers, other than those controlled by 7A001 (see List of Items Controlled), and ''specially designed'' ''parts'' and ''components'' therefor.

* * * * *

List of Items Controlled

* * * * *

Items:

a. Linear accelerometers designed for use in inertial navigation systems or in guidance systems of all types, usable in ''missiles'' having all of the following characteristics, and ''specially designed'' ''parts'' and ''components'' therefor:

* * * * *

■ 214. In Supplement No. 1 to part 774 (the Commerce Control List), Category 7—Navigation and Avionics, Export Control Classification Number (ECCN) 7A102 is amended by revising the heading to read as follows:

7A102 Gyros, other than those controlled by 7A002 (see List of Items Controlled), and ''specially designed'' ''parts'' and ''components'' therefor.

* * * * *

■ 215. In Supplement No. 1 to part 774 (the Commerce Control List), Category 7—Navigation and Avionics, Export Control Classification Number (ECCN) 7A103 is amended:

■ a. By revising the heading;

■ b. By revising the ''Related Controls'' paragraph in the List of Items Controlled section; and

■ c. By revising ''items'' paragraph a and b and the introductory text to the ''Technical Note'' paragraph at the end of the ''items'' paragraph in the List of Items Controlled section to read as follows:

7A103 Instrumentation, navigation equipment and systems, other than those controlled by 7A003, and ''specially designed'' ''parts'' and ''components'' therefor, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Related Controls: (1) See ECCN 7A003 and 7A994. (2) For rockets, missiles, or unmanned aerial vehicles controlled under the U.S. Munitions List (USML), items described in 7A103.b are ''subject to the ITAR'' (see 22 CFR parts 120 through 130). (3) Inertial navigation systems and inertial equipment, and ''specially designed'' ''parts'' and ''components'' therefor specifically designed, modified or configured for military use are ''subject to the ITAR'' (see 22 CFR parts 120 through 130).

* * * * *

Items:

* * * * *

a. Inertial or other equipment using accelerometers or gyros controlled by 7A001, 7A002, 7A101 or 7A102 and systems incorporating such equipment, and ''specially designed'' ''parts'' and ''components'' therefor;

b. Integrated flight instrument systems, which include gyrostabilizers or automatic pilots, designed or modified for use in

rockets, missiles, or unmanned aerial vehicles capable of achieving a ''range'' equal to or greater than 300 km, and ''specially designed'' ''parts'' and ''components'' therefor.

c. * * *

Technical Note: An 'integrated navigation system' typically incorporates the following ''parts'' and ''components'':

* * * * *

■ 216. In Supplement No. 1 to part 774 (the Commerce Control List), Category 7—Navigation and Avionics, Export Control Classification Number (ECCN) 7A104 is amended:

■ a. By revising the heading; and

■ b. By revising the ''Related Controls'' paragraph in the List of Items Controlled section to read as follows:

7A104 Gyro-astro compasses and other devices, other than those controlled by 7A004, which derive position or orientation by means of automatically tracking celestial bodies or satellites and ''specially designed'' ''parts'' and ''components'' therefor.

* * * * *

List of Items Controlled

* * * * *

Related Controls: This entry controls ''specially designed'' ''parts'' and ''components'' for gyro-astro compasses and other devices controlled by 7A004.

* * * * *

■ 217. In Supplement No. 1 to part 774 (the Commerce Control List), Category 7—Navigation and Avionics, Export Control Classification Number (ECCN) 7A105 is amended by revising the heading to read as follows:

7A105 Receiving equipment for Global Navigation Satellite Systems (GNSS) (e.g. GPS, GLONASS, or Galileo) having any of the following characteristics, and ''specially designed'' ''parts'' and ''components'' therefor. (These items are ''subject to the ITAR.'' See 22 CFR parts 120 through 130.)

* * * * *

■ 218. In Supplement No. 1 to part 774 (the Commerce Control List), Category 7—Navigation and Avionics, Export Control Classification Number (ECCN) 7A106 is amended by revising the heading to read as follows:

7A106 Altimeters, other than those controlled by 7A006, of radar or laser radar type, designed or modified for use in ''missiles''. (These items are ''subject to the ITAR.'' See 22 CFR parts 120 through 130.)

■ 219. In Supplement No. 1 to part 774 (the Commerce Control List), Category 7—Navigation and Avionics, Export Control Classification Number (ECCN) 7A107 is amended by revising the heading to read as follows:

7A107 Three axis magnetic heading sensors having all of the following characteristics (see List of Items Controlled), and ''specially designed'' ''parts'' and ''components'' therefor.

* * * * *

■ 220. In Supplement No. 1 to part 774 (the Commerce Control List), Category 7—Navigation and Avionics, Export Control Classification Number (ECCN) 7A115 is amended by revising the heading to read as follows:

7A115 Passive sensors for determining bearing to specific electromagnetic sources (direction finding equipment) or terrain characteristics, designed or modified for use in ''missiles''. (These items are ''subject to the ITAR.'' See 22 CFR parts 120 through 130.)

■ 221. In Supplement No. 1 to part 774 (the Commerce Control List), Category 7—Navigation and Avionics, Export Control Classification Number (ECCN) 7A116 is amended by revising the heading to read as follows:

7A116 Flight control systems (hydraulic, mechanical, electro-optical, or electro-mechanical flight control systems (including fly-by-wire systems) and attitude control equipment) designed or modified for ''missiles''. (These items are ''subject to the ITAR.'' See 22 CFR parts 120 through 130.)

■ 222. In Supplement No. 1 to part 774 (the Commerce Control List), Category 7—Navigation and Avionics, Export Control Classification Number (ECCN) 7A117 is amended by revising the heading to read as follows:

7A117 ''Guidance sets'' capable of achieving system accuracy of 3.33% or less of the range (e.g., a ''CEP'' of 10 km or less at a ''range'' of 300 km). (These items are ''subject to the ITAR.'' See 22 CFR parts 120 through 130.)

■ 223. In Supplement No. 1 to part 774 (the Commerce Control List), Category 7—Navigation and Avionics, Export Control Classification Number (ECCN) 7A994 is amended:

■ a. By redesignating the License Requirement Note in the License Requirements section as License Requirement Note 1;

■ b. By adding a License Requirement Note 2 in the License Requirements section; and

■ c. By revising the ''Related Controls'' paragraph in the List of Items Controlled section to read as follows:

7A994 Other navigation direction finding equipment, airborne communication equipment, all aircraft inertial navigation systems not controlled under 7A003 or 7A103, and other avionic equipment, including ''parts'' and ''components,'' n.e.s.

License Requirements

* * * * *

License Requirement Notes:

(1) * * *

(2) Typically commercially available GPS do not employ decryption or adaptive antenna and are classified as 7A994.

* * * * *

List of Items Controlled

* * * * *

Related Controls: (1) See also 7A005 and 7A105. (2) QRS11 Micromachined Angular Rate Sensors are ''subject to the ITAR'' (see 22 CFR parts 120 through 130), unless the QRS11–00100–100/101 is integrated into and included as an integral ''component'' of a commercial primary or standby instrument system of the type described in ECCN 7A994, or aircraft of the type described in ECCN 9A991 that incorporates such systems, or is exported solely for integration into such a system; or the QRS11–00050–443/569 is integrated into an automatic flight control system of the type described in ECCN 7A994, or aircraft of the type described in ECCN 9A991 that incorporates such systems, or are exported solely for integration into such a system. (See Commodity Jurisdiction requirements in 22 CFR Parts 121; Category VIII(e), Note(1).) In the latter case, such items are subject to the EAR. Technology specific to the development and production of QRS11 sensors remains ''subject to the ITAR'' (see 22 CFR parts 120 through 130).

* * * * *

■ 224. In Supplement No. 1 to part 774 (the Commerce Control List), Category 7—Navigation and Avionics, Export Control Classification Number (ECCN) 7B003 is amended by revising the ''Related Controls'' paragraph (1) in the List of Items Controlled section to read as follows:

7B003 Equipment ''specially designed'' for the ''production'' of equipment controlled by 7A (except 7A994).

* * * * *

List of Items Controlled

* * * * *

Related Controls: (1) See also 7B103, (this entry is ''subject to the ITAR'' (see 22 CFR parts 120 through 130)) and 7B994. * * *

* * * * *

■ 225. In Supplement No. 1 to part 774 (the Commerce Control List), Category 7—Navigation and Avionics, Export Control Classification Number (ECCN) 7B103 is amended by revising the heading to read as follows:

7B103 ''Specially designed'' ''production facilities'' for equipment controlled by 7A117. (These items are ''subject to the ITAR.'' See 22 CFR parts 120 through 130.)

■ 226. In Supplement No. 1 to part 774 (the Commerce Control List), Category 7—Navigation and Avionics, Export Control Classification Number (ECCN) 7D001 is amended:

■ a. By revising the ''RS'' entry in the the License Requirements table; and
■ b. By revising the ''Related Controls'' paragraphs (2) and (3) in the List of Items Controlled section to read as follows:

7D001 ''Software'' ''specially designed'' or modified for the ''development'' or ''production'' of equipment controlled by 7A (except 7A994) or 7B (except 7B994).

License Requirements

Reason for Control: * * *

Control(s)	*Country chart*
* * * * *	
RS applies to ''software'' for inertial navigation systems and inertial equipment, and ''components'' therefor, for ''9A991.b aircraft''.	RS Column 1
* * * * *	

* * * * *

List of Items Controlled

* * * * *

Related Controls: * * * (2) The ''software'' related to 7A003.b, 7A005, 7A103.b, 7A105, 7A106, 7A115, 7A116, 7A117, or 7B103 is ''subject to the ITAR'' (see 22 CFR parts 120 through 130). (3) ''Software'' for inertial navigation systems and inertial equipment and ''parts'' or ''components'' ''specially designed'' therefor that are directly related to defense articles and not ''specially designed'' for use on civil aircraft is ''subject to the ITAR'' (see 22 CFR parts 120 through 130).

* * * * *

■ 227. In Supplement No. 1 to part 774 (the Commerce Control List), Category 7—Navigation and Avionics, Export Control Classification Number (ECCN) 7D003 is amended by adding a Reporting Requirements section after the License Requirements section to read as follows:

7D003 Other ''software'' as follows (see List of Items Controlled).

* * * * *

Reporting Requirements

See § 743.1 of the EAR for reporting requirements for exports under License Exceptions, Special Comprehensive Licenses, and Validated End-User authorizations.

* * * * *

■ 228. In Supplement No. 1 to part 774 (the Commerce Control List), Category 7—Navigation and Avionics, Export Control Classification Number (ECCN) 7D101 is amended:
■ a. By revising the heading;
■ b. By revising the MT entry in the License Requirements table; and
■ c. By revising the ''Related Controls'' paragraph in the List of Items Controlled section to read as follows:

7D101 ''Software'' ''specially designed'' or modified for the ''use'' of equipment controlled by 7A001 to 7A006, 7A101 to 7A107, 7A115, 7A116, 7A117, 7B001, 7B002, 7B003, 7B101, 7B102, or 7B103 for MT reasons.

License Requirements

Reason for Control: * * *

Control(s)	*Country chart*
* * * * *	
MT applies to the entire entry.	MT Column 1
* * * * *	

* * * * *

List of Items Controlled

* * * * *

Related Controls: (1) The ''software'' related to 7A003.b, 7A005, 7A103.b, 7A105, 7A106, 7A115, 7A116, 7A117, or 7B103 is ''subject to the ITAR'' (see 22 CFR parts 120 through 130). (2) ''Software'' for inertial navigation systems and inertial equipment and ''parts'' and ''components'' ''specially designed'' therefor that are directly related to a defense article is ''subject to the ITAR'' (see 22 CFR parts 120 through 130).

* * * * *

■ 229. In Supplement No. 1 to part 774 (the Commerce Control List), Category 7—Navigation and Avionics, Export Control Classification Number (ECCN) 7D102 is amended by revising the ''Related Controls'' paragraph in the List of Items Controlled section to read as follows:

7D102 Integration ''software,'' as follows (See List of Items Controlled).

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List of Items Controlled

* * * * *

Related Controls: The ''software'' related to 7A003.b or 7A103.b is ''subject to the ITAR'' (see 22 CFR parts 120 through 130).

* * * * *

■ 230. In Supplement No. 1 to part 774 (the Commerce Control List), Category 7—Navigation and Avionics, Export Control Classification Number (ECCN) 7D103 is amended by revising the heading to read as follows:

7D103 ''Software'' ''specially designed'' for modelling or simulation of the ''guidance sets'' controlled by 7A117 or for their design integration with ''missiles''. (This entry is ''subject to the ITAR.'' See 22 CFR parts 120 through 130.)

■ 231. In Supplement No. 1 to part 774 (the Commerce Control List), Category 7—Navigation and Avionics, Export Control Classification Number (ECCN) 7E001 is amended:
■ a. By revising the RS entry of the License Requirements table;
■ b. By adding a Reporting Requirements section after the License Requirements section; and
■ c. By revising the ''Related Controls'' paragraph (2) in the List of Items Controlled section to read as follows:

7E001 ''Technology'' according to the General Technology Note for the ''development'' of equipment or ''software,'' controlled by 7A (except 7A994), 7B (except 7B994), 7D001, 7D002, or 7D003.

License Requirements

Reason for Control: * * *

Control(s)	*Country chart*
* * * * *	
RS applies to ''technology'' for inertial navigation systems or inertial equipment, and ''components'' therefor, for 9A991.b aircraft.	RS Column 1
* * * * *	

* * * * *

Reporting Requirements

See § 743.1 of the EAR for reporting requirements for exports under License Exceptions, Special Comprehensive Licenses, and Validated End-User authorizations.

* * * * *

List of Items Controlled

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Related Controls: * * * (2) The ''technology'' related to 7A003.b, 7A005, 7A103.b, 7A105, 7A106, 7A115, 7A116, 7A117, 7B103, software in 7D101 specified in the Related Controls paragraph of ECCN 7D101, 7D102.a, or 7D103 is ''subject to the ITAR'' (see 22 CFR parts 120 through 130).

* * * * *

■ 232. In Supplement No. 1 to part 774 (the Commerce Control List), Category 7—Navigation and Avionics, Export Control Classification Number (ECCN) 7E002 is amended:
■ a. By revising the RS entry in the License Requirements table;
■ b. By adding a Reporting Requirements section after the License Requirements section; and
■ c. By revising the ''Related Controls'' paragraph (2) in the List of Items Controlled section to read as follows:

7E002 ''Technology'' according to the General Technology Note for the ''production'' of equipment controlled by 7A (except 7A994) or 7B (except 7B994).

License Requirements

Reason for Control: * * *

Control(s)	Country chart
* * * * *	
RS applies to ''technology'' for inertial navigation systems or inertial equipment, and ''components'' therefor, for 9A991.b aircraft.	RS Column 1
* * * * *	

Reporting Requirements

See § 743.1 of the EAR for reporting requirements for exports under License Exceptions, Special Comprehensive Licenses, and Validated End-User authorizations.

* * * * *

List of Items Controlled

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Related Controls: * * * (2) The ''technology'' related to 7A003.b, 7A005, 7A103.b, 7A105, 7A106, 7A115, 7A116, 7A117, or 7B103 is ''subject to the ITAR'' (see 22 CFR parts 120 through 130).

* * * * *

■ 233. In Supplement No. 1 to part 774 (the Commerce Control List), Category 7—Navigation and Avionics, Export Control Classification Number (ECCN) 7E101 is amended:

■ a. By revising the heading;

■ b. By revising the RS entry of the License Requirements table; and

■ c. By revising the ''Related Controls'' paragraph in the List of Items Controlled section to read as follows:

7E101 ''Technology,'' according to the General Technology Note for the ''use'' of equipment controlled by 7A001 to 7A006, 7A101 to 7A107, 7A115 to 7A117, 7B001, 7B002, 7B003, 7B101, 7B102, 7B103, or 7D101 to 7D103 for MT reasons.

License Requirements

Reason for Control: * * *

Control(s)	Country chart
* * * * *	
RS applies to ''technology'' required for the use of inertial navigation systems, or inertial equipment, or ''specially designed'' ''parts'' and ''components'' therefor, ''specially designed'' for 9A991.b aircraft.	RS Column 1
* * * * *	

List of Items Controlled

* * * * *

Related Controls: The ''technology'' related to 7A003.b, 7A005, 7A103.b, 7A105, 7A106, 7A115, 7A116, 7A117, 7B103, software specified in the Related Controls paragraph of ECCN 7D101, 7D102.a, or 7D103 is ''subject to the ITAR'' (see 22 CFR parts 120 through 130).

* * * * *

■ 234. In Supplement No. 1 to part 774 (the Commerce Control List), Category 7—Navigation and Avionics, Export Control Classification Number (ECCN) 7E104 is amended by revising the heading to read as follows:

7E104 Design ''Technology'' for the integration of the flight control, guidance, and propulsion data into a flight management system, designed or modified for rockets or missiles capable of achieving a ''range'' equal to or greater than 300 km, for optimization of rocket system trajectory. (This entry is ''subject to the ITAR.'' See 22 CFR parts 120 through 130.)

■ 235. In Supplement No. 1 to part 774 (the Commerce Control List), Category 7—Navigation and Avionics, Export Control Classification Number (ECCN) 7E994 is amended by revising the ''Related Controls'' paragraph in the List of Items Controlled section to read as follows:

7E994 ''Technology,'' n.e.s., for the ''development,'' ''production'' or ''use'' of navigation, airborne communication, and other avionics equipment.

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List of Items Controlled

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Related Controls: Technology specific to the development and production of QRS11 sensors remains ''subject to the ITAR'' (see 22 CFR parts 120 through 130) and (see ECCN 7A994, Related Controls).

* * * * *

■ 236. In Supplement No. 1 to part 774 (the Commerce Control List), Category 8–Marine, Export Control Classification Number (ECCN) 8A002 is amended:

■ a. By revising the heading;

■ b. By revising the introductory text to ''items'' paragraph a in the List of Items Controlled section;

■ c. By revising ''items'' paragraphs a.4, o.1.e, and o.2.d in the List of Items Controlled section to read as follows:

8A002 Marine systems, equipment, ''parts'' and ''components,'' as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

a. Systems, equipment, ''parts'' and ''components,'' ''specially designed'' or modified for submersible vehicles and designed to operate at depths exceeding 1,000 m, as follows:

* * * * *

a.4. ''Parts'' and ''components'' manufactured from material specified by ECCN 8C001;

* * * * *

o.1.e. Power transmission shaft systems incorporating ''composite'' material ''parts'' or ''components'' and capable of transmitting more than 1 MW;

* * * * *

o.2.d. Power transmission shaft systems incorporating ''composite'' material ''parts'' or ''components'' and capable of transmitting more than 2 MW;

* * * * *

■ 237. In Supplement No. 1 to part 774 (the Commerce Control List), Category 8—Marine, Export Control Classification Number (ECCN) 8A918 is removed.

■ 238. In Supplement No. 1 to part 774 (the Commerce Control List), Category 8—Marine, Export Control Classification Number (ECCN) 8A992 is amended:

■ a. By revising the heading;

■ b. By revising the License Requirements section;

■ c. By revising ''items'' paragraphs f and g in the List of Items Controlled section; and

■ d. By adding paragraphs l and m to the ''items'' paragraph in the ''List of Items Controlled'' section to read as follows:

8A992 Vessels, marine systems or equipment, not controlled by 8A001, 8A002 or 8A018, and ''specially designed'' ''parts,'' and ''components'' therefor, and marine boilers and ''parts'' and ''components,'' ''accessories,'' and ''attachments'' therefor (see List of Items Controlled).

License Requirements

Reason for Control: AT, UN

Control(s)	Country chart
AT applies to entire entry.	AT Column 1
UN applies to 8A992.l and m.	See § 746.1(b) for UN controls

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

f. Vessels, n.e.s., including inflatable boats, and ''specially designed'' ''parts'' and ''components'' therefor, n.e.s.;

g. Marine engines (both inboard and outboard) and submarine engines, n.e.s.; and

''specially designed'' ''parts'' and ''components'' therefor, n.e.s.;

* * * * *

l. Marine boilers designed to have any of the following characteristics:

l.1. Heat release rate (at maximum rating) equal to or in excess of 190,000 BTU per hour per cubic foot of furnace volume; *or*

l.2. Ratio of steam generated in pounds per hour (at maximum rating) to the dry weight of the boiler in pounds equal to or in excess of 0.83.

m. Major ''components,'' ''accessories,'' and ''attachments'' for marine boilers described in 8A992.l.

■ 239. In Supplement No. 1 to part 774 (the Commerce Control List), Category 8–Marine, Export Control Classification Number (ECCN) 8D001 is amended by revising the License Exception TSR paragraph in the License Exceptions section to read as follows:

8D001 ''Software'' ''specially designed'' or modified for the ''development'', ''production'' or ''use'' of equipment or materials, controlled by 8A (except 8A018 or 8A992), 8B or 8C.

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License Exceptions

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TSR: Yes, except for exports or reexports to destinations outside of those countries listed in Country Group A:5 (See Supplement No. 1 to part 740 of the EAR) of ''software'' ''specially designed'' for the ''development'' or ''production'' of equipment controlled by 8A001.b, 8A001.d, or 8A002.o.3.b.

* * * * *

■ 240. In Supplement No. 1 to part 774 (the Commerce Control List), Category 8–Marine, Export Control Classification Number (ECCN) 8E001 is amended by revising the License Exception TSR paragraph in the License Exceptions section to read as follows:

8E001 ''Technology'' according to the General Technology Note for the ''development'' or ''production'' of equipment or materials, controlled by 8A (except 8A018 or 8A992), 8B or 8C.

* * * * *

License Exceptions

* * * * *

TSR: Yes, except for exports or reexports to destinations outside of those countries listed in Country Group A:5 (See Supplement No. 1 to part 740 of the EAR) of ''software'' ''specially designed'' for the ''development'' or ''production'' of equipment controlled by 8A001.b, 8A001.d, or 8A002.o.3.b.

* * * * *

■ 241. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Aerospace and Propulsion, Export Control Classification Number (ECCN) 9A002 is amended by adding quotes around the term components in the heading.

■ 242. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Aerospace and Propulsion, Export Control Classification Number (ECCN) 9A003 is amended by adding quotes around the term components in the heading.

■ 243. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Aerospace and Propulsion, Export Control Classification Number (ECCN) 9A004 is amended by revising the heading and the ''Related Controls'' paragraphs (2), (4), (5) and (6) in the List of Items Controlled section to read as follows:

9A004 Space launch vehicles and ''spacecraft'' (see List of Items Controlled).

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List of Items Controlled

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Related Controls:

* * * * *

(2) Space launch vehicles are ''subject to the ITAR'' (see 22 CFR parts 120 through 130).

* * * * *

(4) All other ''spacecraft'' not controlled under 9A004 and their payloads, and specifically designed or modified ''parts,'' ''components,'' accessories, attachments, and associated equipment, including ground support equipment, are ''subject to the ITAR'' (see 22 CFR parts 120 through 130), unless otherwise transferred to the Department of Commerce via a commodity jurisdiction determination by the Department of State.

(5) Exporters requesting a license from the Department of Commerce for ''spacecraft'' and their associated ''parts'' and ''components,'' other than the international space station, must provide a statement from the Department of State, Directorate of Defense Trade Controls, verifying that the item intended for export is under the licensing jurisdiction of the Department of Commerce. All ''specially designed'' or modified ''parts,'' ''components,'' accessories, attachments, and associated equipment for ''spacecraft'' that have been determined by the Department of State through the commodity jurisdiction process to be under the licensing jurisdiction of the Department of Commerce, and that are not controlled by any other ECCN on the Commerce Control List, will be assigned a classification under this ECCN 9A004.

(6) Technical data required for the detailed design, development, manufacturing, or production of the international space station (to include specifically designed ''parts'' and ''components'') remains ''subject to the ITAR'' (see 22 CFR parts 120 through 130). This control by the ITAR of detailed design, development, manufacturing or production technology for NASA's international space station does not include that level of technical data necessary and reasonable for assurance that a U.S.-built item intended to operate on NASA's international space station has been designed, manufactured, and tested in conformance with specified requirements (e.g., operational performance, reliability, lifetime, product quality, or delivery expectations). All technical data and all defense services, including all technical assistance, for launch of the international space station, including launch vehicle compatibility, integration, or processing data, are ''subject to the ITAR'' (see 22 CFR parts 120 through 130).

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■ 244. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Aerospace and Propulsion, Export Control Classification Number (ECCN) 9A005 is amended by revising the heading to read as follows:

9A005 Liquid rocket propulsion systems containing any of the systems or ''components,'' controlled by 9A006. (These items are ''subject to the ITAR.'' See 22 CFR parts 120 through 130.)

■ 245. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Aerospace and Propulsion, Export Control Classification Number (ECCN) 9A006 is amended by revising the heading to read as follows:

9A006 Systems, ''components,'' ''specially designed'' for liquid rocket propulsion systems. (These items are ''subject to the ITAR.'' See 22 CFR parts 120 through 130.)

■ 246. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Aerospace and Propulsion, Export Control Classification Number (ECCN) 9A007 is amended by revising the heading to read as follows:

9A007 Solid rocket propulsion systems. (These items are ''subject to the ITAR.'' See 22 CFR parts 120 through 130.)

■ 247. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Aerospace and Propulsion, Export Control Classification Number (ECCN) 9A008 is amended by revising the heading to read as follows:

9A008 ''components'' ''specially designed'' for solid rocket propulsion systems. (These items are ''subject to the ITAR.'' See 22 CFR parts 120 through 130.)

■ 248. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Aerospace and Propulsion, Export Control Classification Number (ECCN) 9A009 is amended by revising the heading to read as follows:

9A009 Hybrid rocket propulsion systems. (These items are ''subject to the ITAR.'' See 22 CFR parts 120 through 130.)

■ 249. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Aerospace and Propulsion, Export

Control Classification Number (ECCN) 9A010 is amended by revising the heading to read as follows:

9A010 "Specially designed" "parts," "components," systems and structures, for launch vehicles, launch vehicle propulsion systems or "spacecraft". (These items are "subject to the ITAR." See 22 CFR parts 120 through 130.)

■ 250. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Aerospace and Propulsion, Export Control Classification Number (ECCN) 9A011 is amended by revising the heading to read as follows:

9A011 Ramjet, scramjet or combined cycle engines, and "specially designed" "parts" and "components" therefor. (These items are "subject to the ITAR." See 22 CFR parts 120 through 130.)

■ 251. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1—Aerospace and Propulsion, Export Control Classification Number (ECCN) 9A012 is amended by adding quotes around the term components in the heading; in the introductory text to "items" paragraph b in the List of Items Controlled section; and in "items" paragraph b.3 in the List of Items Controlled section.

■ 252. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Aerospace and Propulsion, Export Control Classification Number (ECCN) 9A101 is amended by revising the "Related Controls" paragraph in the List of Items Controlled section to read as follows:

9A101 Turbojet and turbofan engines, other than those controlled by 9A001, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Related Controls: 9A101.b controls only engines for non-military unmanned air vehicles [UAVs] or remotely piloted vehicles [RPVs], and does not control other engines designed or modified for use in "missiles," which are "subject to the ITAR" (see 22 CFR parts 120 through 130).

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■ 253. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Aerospace and Propulsion, Export Control Classification Number (ECCN) 9A103 is amended by revising the heading to read as follows:

9A103 Liquid propellant tanks "specially designed" for the propellants controlled in ECCNs 1C011, 1C111 or other liquid propellants used in "missiles." (These items are "subject to the ITAR." See 22 CFR parts 120 through 130.)

■ 254. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Aerospace and Propulsion, Export Control Classification Number (ECCN) 9A104 is amended by revising the heading to read as follows:

9A104 Sounding rockets, capable of a range of at least 300 km. (These items are "subject to the ITAR." See 22 CFR parts 120 through 130.)

■ 255. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Aerospace and Propulsion, Export Control Classification Number (ECCN) 9A105 is amended by revising the heading to read as follows:

9A105 Liquid propellant rocket engines. (These items are "subject to the ITAR." See 22 CFR parts 120 through 130.)

■ 256. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Aerospace and Propulsion, Export Control Classification Number (ECCN) 9A106 is amended:

■ a. By revising the heading;

■ b. By revising the "Related Controls" paragraph in the List of Items Controlled section; and

■ d. By revising the introductory text to "items" paragraph d in the List of Items Controlled section to read as follows:

9A106 Systems, "parts" or "components," other than those controlled by 9A006, usable in "missiles," and "specially designed" for liquid rocket propulsion systems, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Related Controls: Items described in 9A106.a, .b, and .c are "subject to the ITAR" (see 22 CFR parts 120 through 130).

* * * * *

Items:

* * * * *

d. Liquid and slurry propellant (including oxidizers) control systems, and "specially designed" "parts" and "components" therefor, designed or modified to operate in vibration environments greater than 10 g rms between 20 Hz and 2000 Hz.

* * * * *

■ 257. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Aerospace and Propulsion, Export Control Classification Number (ECCN) 9A107 is amended by revising the heading to read as follows:

9A107 Solid propellant rocket motors, usable in rockets with a range capability of 300 km or greater, other than those controlled by 9A007, having total impulse capacity equal to or greater than 8.41×10^5 Ns, but less than 1.1×10^6 Ns. (These items are "subject to the ITAR." See 22 CFR parts 120 through 130.)

■ 258. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Aerospace and Propulsion, Export Control Classification Number (ECCN) 9A108 is amended by revising the heading to read as follows:

9A108 Solid rocket propulsion "parts" and "components," other than those controlled by 9A008, usable in rockets with a range capability of 300 km or greater. (These items are "subject to the ITAR." See 22 CFR parts 120 through 130.)

■ 259. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Aerospace and Propulsion, Export Control Classification Number (ECCN) 9A109 is amended by revising the heading to read as follows:

9A109 Hybrid rocket motors, usable in rockets with a range capability of 300 km or greater, other than those controlled by 9A009, and "specially designed" "parts" and "components" therefor. (These items are "subject to the ITAR." See 22 CFR parts 120 through 130.)

■ 260. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Aerospace and Propulsion, Export Control Classification Number (ECCN) 9A110 is amended:

■ a. By revising the heading; and

■ b. By revising the "Related Controls" paragraph (2) in the List of Items Controlled section to read as follows:

9A110 Composite structures, laminates and manufactures thereof, other than those controlled by entry 9A010, "specially designed" for use in rockets, missiles, or unmanned aerial vehicles capable of achieving a "range" equal to or greater than 300 km or the subsystems controlled by entries 9A005, 9A007, 9A105.a, 9A106 to 9A109, 9A116, or 9A119.

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List of Items Controlled

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Related Controls: * * * (2) "Composite structures, laminates, and manufactures thereof, "specially designed" for use in missile systems are "subject to the ITAR" (see 22 CFR parts 120 through 130), except those "specially designed" for non-military unmanned air vehicles controlled in 9A012.

* * * * *

■ 261. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Aerospace and Propulsion, Export Control Classification Number (ECCN) 9A111 is amended by revising the heading to read as follows:

9A111 Pulse jet engines, usable in rockets, missiles, or unmanned aerial vehicles capable of achieving a "range" equal to or greater than 300 km, and "specially

designed'' ''parts'' and ''components'' therefor. (These items are ''subject to the ITAR.'' See 22 CFR parts 120 through 130.)

■ 262. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Aerospace and Propulsion, Export Control Classification Number (ECCN) 9A115 is amended by revising the heading to read as follows:

9A115 Apparatus, devices and vehicles, designed or modified for the transport, handling, control, activation and launching of rockets, missiles, and unmanned aerial vehicles capable of achieving a ''range'' equal to or greater than 300 km. (These items are ''subject to the ITAR.'' See 22 CFR parts 120 through 130.)

■ 263. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Aerospace and Propulsion, Export Control Classification Number (ECCN) 9A116 is amended by revising the heading to read as follows:

9A116 Reentry vehicles, usable in ''missiles,'' and equipment designed or modified therefor. (These items are ''subject to the ITAR.'' See 22 CFR parts 120 through 130.)

■ 264. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Aerospace and Propulsion, Export Control Classification Number (ECCN) 9A117 is amended by revising the heading to read as follows:

9A117 Staging mechanisms, separation mechanisms, and interstages therefor, usable in ''missiles''. (These items are ''subject to the ITAR.'' See 22 CFR parts 120 through 130.)

■ 265. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Aerospace and Propulsion, Export Control Classification Number (ECCN) 9A118 is amended by revising the heading to read as follows:

9A118 Devices to regulate combustion usable in engines which are usable in rockets, missiles, and unmanned aerial vehicles capable of achieving a ''range'' equal to or greater than 300 km, controlled by 9A011 or 9A111. (These items are ''subject to the ITAR.'' See 22 CFR parts 120 through 130.)

■ 266. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Aerospace and Propulsion, Export Control Classification Number (ECCN) 9A119 is amended by revising the heading to read as follows:

9A119 Individual rocket stages, usable in rockets with a range capability greater than 300 km or greater, other than those controlled by 9A005, 9A007, 9A009, 9A105, 9A107 and 9A109. (These items are ''subject to the ITAR.'' See 22 CFR parts 120 through 130.)

■ 267. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Aerospace and Propulsion, Export Control Classification Number (ECCN) 9A120 is amended:

■ a. By revising the heading; and

■ b. By revising the ''Related Controls'' paragraph to read as follows:

9A120 Complete unmanned aerial vehicles, not specified in 9A012, having all of the following characteristics (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Related Controls: See ECCN 9A012 or the U.S. Munitions List Category VIII (22 CFR part 121). Also see ECCN 2B352.h for controls on certain spraying or fogging systems, and ''parts'' and ''components'' therefor, ''specially designed'' or modified for fitting to aircraft, ''lighter than air vehicles,'' or ''UAVs.''

* * * * *

■ 268. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Aerospace and Propulsion, Export Control Classification Number (ECCN) 9A980 is amended:

■ a. By revising the heading; and

■ b. By adding a heading Note to read as follows:

9A980 Nonmilitary mobile crime science laboratories; and accessories, n.e.s.

Heading Note: In order for a vehicle to be classified as a nonmilitary mobile crime scene laboratory under ECCN 9A980, the vehicle must contain one or more analytical or laboratory items controlled for Crime Control (CC) reasons on the CCL, such as ECCNs 3A980 and 3A981.

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■ 269. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Aerospace and Propulsion, Export Control Classification Number (ECCN) 9A990 is amended:

■ a. By revising the heading; and

■ b. By revising ''items'' paragraphs b and c in the List of Items Controlled section to read as follows:

9A990 Diesel engines, n.e.s., and tractors and ''specially designed'' ''parts'' and ''components'' therefor, n.e.s. (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

b. Off highway wheel tractors of carriage capacity 9 mt (20,000 lbs) or more; and ''major components'' and accessories, n.e.s.

c. On-Highway tractors, with single or tandem rear axles rated for 9 mt per axel (20,000 lbs.) or greater and ''specially designed'' ''major components''.

* * * * *

■ 270. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Aerospace and Propulsion, Export Control Classification Number (ECCN) 9A991 is amended:

■ a. By revising the heading;

■ b. By revising the ''Related Controls'' paragraph in the List of Items Controlled section; and

■ c. By revising ''items'' paragraphs b, c introductory text, d, and e in the List of Items Controlled section to read as follows:

9A991 ''Aircraft,'' n.e.s., and gas turbine engines not controlled by 9A001 or 9A101 and ''parts'' and ''components,'' n.e.s. (see List of Items Controlled).

* * * * *

List of Items Controlled

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Related Controls: QRS11 Micromachined Angular Rate Sensors are ''subject to the ITAR'' (see 22 CFR parts 120 through 130), unless the QRS11–00100–100/101 is integrated into and included as an integral ''component'' of a commercial primary or standby instrument system of the type described in ECCN 7A994, or aircraft of the type described in ECCN 9A991 that incorporates such a system, or is exported solely for integration into such a system; or the QRS11–00050–443/569 is integrated into an automatic flight control system of the type described in ECCN 7A994, or aircraft of the type described in ECCN 9A991 that incorporates such a system, or are exported solely for integration into such a system. (See Commodity Jurisdiction requirements in 22 CFR Part 121; Category VIII(e), Note(1)) In the latter case, such items are subject to the EAR. Technology specific to the development and production of QRS11 sensors remains ''subject to the ITAR'' (see 22 CFR parts 120 through 130).

* * * * *

Items:

* * * * *

b. Aircraft n.e.s.;

c. Aero gas turbine engines, and ''parts'' and ''components'' ''specially designed'' therefor.

* * * * *

d. ''Parts'' and ''components'' ''specially designed'' for ''aircraft'' subject to the controls of ECCN 9A991.a or .b., n.e.s.

e. Pressurized aircraft breathing equipment, n.e.s.; *and* ''parts'' and ''components'' ''specially designed'' therefor, n.e.s.

■ 271. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Aerospace and Propulsion, Export Control Classification Number (ECCN) 9B001 is amended:

■ a. By revising the ''MT'' entry in the License Requirements table; and

■ c. By revising the ''Related Controls'' paragraph in the List of Items Controlled section to read as follows:

9B001 Equipment, tooling and fixtures, "specially designed" for manufacturing gas turbine blades, vanes or "tip shroud" castings, as follows (see List of Items Controlled).

License Requirements

Reason for Control: * * *

Control(s)	*Country chart*
* * * * *	
MT applies to equipment for engines controlled under 9A001 for MT reasons and for engines controlled under 9A101.	MT Column 1
* * * * *	

* * * * *

List of Items Controlled

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Related Controls: For "specially designed" production equipment of systems, subsystems, "parts" and "components" controlled by 9A005 to 9A009, 9A011, 9A101, 9A105 to 9A109, 9A111, and 9A116 to 9A119 usable in "missiles" see 9B115. See also 9B991.

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■ 272. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Aerospace and Propulsion, Export Control Classification Number (ECCN) 9B002 is amended:

■ a. By revising the heading;

■ b. By revising the "MT" entry in the License Requirements table; and

■ c. By revising "items" paragraph a in the List of Items Controlled section to read as follows:

9B002 On-line (real time) control systems, instrumentation (including sensors) or automated data acquisition and processing equipment, having all of the following (see List of Items Controlled).

License Requirements

Reason for Control: * * *

Control(s)	*Country chart*
* * * * *	
MT applies to equipment for engines controlled under 9A001 for MT reasons and for engines controlled under 9A101.	MT Column 1
* * * * *	

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List of Items Controlled

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Items:

a. "Specially designed" for the "development" of gas turbine engines, assemblies, "parts" or "components"; and

* * * * *

■ 273. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Aerospace and Propulsion, Export Control Classification Number (ECCN) 9B003 is amended:

■ a. By revising the heading; and

■ b. By revising the "MT" entry in the License Requirements table to read as follows:

9B003 Equipment "specially designed" for the "production" or test of gas turbine brush seals designed to operate at tip speeds exceeding 335 m/s, and temperatures in excess of 773 K (500 °C), and "specially designed" "components" or "accessories" therefor.

License Requirements

Reason for Control: * * *

Control(s)	*Country chart*
* * * * *	
MT applies to equipment for engines controlled under 9A001 for MT reasons and for engines controlled under 9A101.	MT Column 1
* * * * *	

* * * * *

■ 274. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Aerospace and Propulsion, Export Control Classification Number (ECCN) 9B004 is amended by revising the "MT" entry in the License Requirements table to read as follows:

9B004 Tools, dies or fixtures, for the solid state joining of "superalloy", titanium or intermetallic airfoil-to-disk combinations described in 9E003.a.3 or 9E003.a.6 for gas turbines.

License Requirements

Reason for Control: * * *

Control(s)	*Country chart*
* * * * *	
MT applies to equipment for engines controlled under 9A001 for MT reasons and for engines controlled under 9A101.	MT Column 1
* * * * *	

* * * * *

■ 275. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Aerospace and Propulsion, Export Control Classification Number (ECCN) 9B009 is amended:

■ a. By revising the heading; and

■ b. By revising the "Related Controls" paragraph in the List of Items Controlled section to read as follows:

9B009 Tooling "specially designed" for producing turbine engine powder metallurgy rotor "parts" or "components" capable of operating at stress levels of 60% of Ultimate Tensile Strength (UTS) or more and metal temperatures of 873 K (600 °C) or more.

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List of Items Controlled

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Related Controls: See ECCN 9B002.

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■ 276. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9– Aerospace and Propulsion, Export Control Classification Number (ECCN) 9B010 is amended by adding quotes around the term components in the heading.

■ 277. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Aerospace and Propulsion, Export Control Classification Number (ECCN) 9B115 is amended:

■ a. By revising the heading; and

■ b. By revising the "Related Controls" paragraph in the List of Items Controlled section to read as follows:

9B115 "Specially designed" "production equipment" for the systems, subsystems, "parts" and "components" controlled by 9A004 to 9A009, 9A011, 9A101, 9A103 to 9A109, 9A111, 9A116 to 9A119.

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List of Items Controlled

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Related Controls: Although items described in ECCNs 9A004 to 9A009, 9A011, 9A101, 9A104 to 9A109; 9A111, 9A116 to 9A119 are "subject to the ITAR" (see 22 CFR parts 120 through 130), the "production equipment" controlled in this entry that is related to these items is subject to the EAR.

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■ 278. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Aerospace and Propulsion, Export Control Classification Number (ECCN) 9B116 is amended:

■ a. By revising the heading; and

■ b. By revising the "Related Controls" paragraph in the List of Items Controlled section to read as follows:

9B116 "Specially designed" "production facilities" for the systems, sub-systems, "parts" and "components" controlled by

9A004 to 9A009, 9A011, 9A012, 9A101, 9A103 to 9A109, 9A111, 9A116 to 9A119.

* * * * *

List of Items Controlled

* * * * *

Related Controls: Although items described in ECCNs 9A004 to 9A009, 9A011, 9A101, 9A104 to 9A109; 9A111, 9A116 to 9A119 are ''subject to the ITAR'' (see 22 CFR parts 120 through 130), the ''production equipment'' controlled in this entry that is related to these items is subject to the EAR.

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■ 279. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9– Aerospace and Propulsion, Export Control Classification Number (ECCN) 9B610 as added April 16, 2013, at 78 FR 22732, effective October 15, 2013, is amended by revising the ''Related Controls'' paragraph in the List of Items Controlled section to read as follows:

9B610 Test, inspection, and production ''equipment'' and related commodities ''specially designed'' for the ''development'' or ''production'' of commodities enumerated in ECCN 9A610 or USML Category VIII.

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List of Items Controlled

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Related Controls: USML Category VIII (h)(1) controls parts, components, accessories, equipment, and attachments specially designed for various models of stealth and low observable aircraft.

* * * * *

■ 280. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9– Aerospace and Propulsion, Export Control Classification Number (ECCN) 9B619 as added April 16, 2013, at 78 FR 22732, effective October 15, 2013, is amended by revising the ''Related Controls'' paragraph in the List of Items Controlled section to read as follows:

9B619 Test, inspection, and production ''equipment'' and related commodities ''specially designed'' for the ''development'' or ''production'' of commodities enumerated in ECCN 9A619 or USML Category XIX.

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List of Items Controlled

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Related Controls: USML Category XIX (f)(1) controls parts, components, accessories, equipment, and attachments specially designed for various models of stealth and low observable aircraft.

* * * * *

■ 281. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9– Aerospace and Propulsion, Export Control Classification Number (ECCN) 9B990 is amended by revising the heading to read as follows:

9B990 Vibration test equipment and ''specially designed'' ''parts'' and ''components,'' n.e.s.

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■ 282. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9– Aerospace and Propulsion, Export Control Classification Number (ECCN) 9B991 is amended by revising the heading to read as follows:

9B991 ''Specially designed'' equipment, tooling or fixtures, not controlled by 9B001, as described in the List of Items Controlled, for manufacturing or measuring gas turbine blades, vanes or tip shroud castings as follows (see List of Items Controlled).

* * * * *

■ 283. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Aerospace and Propulsion, Export Control Classification Number (ECCN) 9D001 is amended by revising the ''Related Controls'' paragraph in the List of Items Controlled section to read as follows:

9D001 ''Software'' ''specially designed'' or modified for the ''development'' of equipment or ''technology,'' controlled by 9A (except 9A018, 9A990 or 9A991), 9B (except 9B990 or 9B991) or 9E003.

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List of Items Controlled

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Related Controls: (1) ''Software'' ''required'' for the ''development'' of items controlled by 9A004 is ''subject to the ITAR'' (see 22 CFR parts 120 through 130). (2) ''Software'' ''required'' for the ''development'' of equipment or ''technology'' ''subject to the ITAR'' is also ''subject to the ITAR'' (see 22 CFR parts 120 through 130).

* * * * *

■ 284. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Aerospace and Propulsion, Export Control Classification Number (ECCN) 9D002 is amended by revising the ''Related Controls'' paragraph in the List of Items Controlled section to read as follows:

9D002 ''Software'' ''specially designed'' or modified for the ''production'' of equipment controlled by 9A (except 9A018, 9A990, or 9A991) or 9B (except 9B990 or 9B991).

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List of Items Controlled

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Related Controls: (1) ''Software'' ''required'' for the ''production'' of items controlled by 9A004 is ''subject to the ITAR'' (see 22 CFR parts 120 through 130). (2) ''Software'' ''required'' for the ''production'' of equipment or ''technology'' ''subject to the ITAR'' is also ''subject to the ITAR'' (see 22 CFR parts 120 through 130).

* * * * *

■ 285. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Aerospace and Propulsion, Export Control Classification Number (ECCN) 9D003 is amended by revising the ''Related Controls'' paragraph (2) in the List of Items Controlled section to read as follows:

9D003 ''Software'' incorporating ''technology'' specified by 9E003.h and used in ''FADEC Systems'' for propulsion systems controlled by 9A (except 9A018, 9A990 or 9A991) or equipment controlled by 9B (except 9B990 or 9B991).

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List of Items Controlled

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Related Controls: * * * (2) ''Software'' ''required'' for the ''use'' of equipment or ''technology'' ''subject to the ITAR'' is also ''subject to the ITAR'' (see 22 CFR parts 120 through 130).

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■ 286. In Supplement No. 9 to part 774 (the Commerce Control List), Category 9—Aerospace and Propulsion, Export Control Classification Number (ECCN) 9D004 is amended by revising ''items'' paragraphs b and e to read as follows:

9D004 Other ''software'' as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

b. ''Software'' for testing aero gas turbine engines, assemblies, ''parts'' or ''components,'' ''specially designed'' to collect, reduce and analyze data in real time and capable of feedback control, including the dynamic adjustment of test articles or test conditions, as the test is in progress;

* * * * *

e. ''Software'' ''specially designed'' or modified for the operation of ''UAVs'' and associated systems, equipment, ''components,'' controlled by 9A012;

* * * * *

■ 287. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Aerospace and Propulsion, Export Control Classification Number (ECCN) 9D103 is amended by revising the heading to read as follows:

9D103 ''Software'' ''specially designed'' for modelling, simulation or design integration of ''missiles,'' or the subsystems controlled by 9A005, 9A007, 9A009, 9A105, 9A106, 9A107, 9A108, 9A109, 9A116 or 9A119. (This entry is

''subject to the ITAR.'' See 22 CFR parts 120 through 130.)

■ 288. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Aerospace and Propulsion, Export Control Classification Number (ECCN) 9D104 is amended:

■ a. By revising the heading; and

■ b. By revising the ''Related Controls'' paragraph in the List of Items Controlled section to read as follows:

9D104 ''Software'' ''specially designed'' or modified for the ''use'' of equipment controlled by 9A001, 9A005, 9A006, 9A007, 9A008, 9A009, 9A010, 9A011, 9A012 (for MT controlled items only), 9A101, 9A105, 9A106.c, .d and .e, 9A107, 9A108, 9A109, 9A111, 9A115, 9A116, 9A117, or 9A118.

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List of Items Controlled

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Related Controls: ''Software'' for commodities controlled by *9A005* to *9A011, 9A105, 9A106.c, 9A107* to *9A109, 9A111, 9A115, 9A116, 9A117,* and *9A118* is ''subject to the ITAR'' (see 22 CFR parts 120 through 130).

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■ 289. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Aerospace and Propulsion, Export Control Classification Number (ECCN) 9D105 is amended by revising the heading to read as follows:

9D105 ''Software'' that coordinates the function of more than one subsystem, ''specially designed'' or modified for ''use'' in rockets, missiles, or unmanned aerial vehicles capable of achieving a ''range'' equal to or greater than 300 km. (These items are ''subject to the ITAR.'' See 22 CFR parts 120 through 130.)

■ 290. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Aerospace and Propulsion, Export Control Classification Number (ECCN) 9E001 is amended by revising the ''Related Controls'' paragraphs (2) and (3) in the List of Items Controlled section to read as follows:

9E001 ''Technology'' according to the General Technology Note for the ''development'' of equipment or ''software,'' controlled by 9A001.b, 9A004 to 9A012, 9B (except 9B990 or 9B991) or 9D (except 9D990 or 9D991).

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List of Items Controlled

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Related Controls: * * * (2) The ''technology'' required for the ''development'' of equipment controlled by *9A004* is ''subject to the ITAR'' (see 22 CFR parts 120 through 130). (3) ''Technology,'' required for the ''development'' of equipment or ''software'' ''subject to the ITAR,'' is also ''subject to the ITAR'' (see 22 CFR parts 120 through 130).

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■ 291. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Aerospace and Propulsion, Export Control Classification Number (ECCN) 9E002 is amended by revising the ''Related Controls'' paragraphs (3) and (4) in the List of Items Controlled section to read as follows:

9E002 ''Technology'' according to the General Technology Note for the ''production'' of equipment controlled by 9A001.b, 9A004 to 9A011 or 9B (except 9B990 or 9B991).

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List of Items Controlled

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Related Controls: * * * (3) The ''technology'' required for the ''development'' of equipment controlled by *9A004* is ''subject to the ITAR'' (see 22 CFR parts 120 through 130). (4) ''Technology,'' required for the ''development'' of equipment or ''software'' ''subject to the ITAR,'' is also ''subject to the ITAR'' (see 22 CFR parts 120 through 130).

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■ 292. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Aerospace and Propulsion, Export Control Classification Number (ECCN) 9E003 is amended:

■ a. By revising the ''Related Controls'' paragraph in the List of Items Controlled section;

■ b. By revising the introductory text of ''items'' paragraphs a and a.3 in the List of Items Controlled section;

■ c. By revising ''items'' paragraphs a.4, a.7, a.8, and the ''Technical Note'' to paragraph a.8 in the List of Items Controlled section;

■ d. By revising the introductory text of ''items'' paragraph c in the List of Items Controlled section; and

■ e. By revising ''items'' paragraphs f introductory text, f.1 introductory text, f.1.d, h.1, h.2, i.1, i.2, and j in the List of Items Controlled section to read as follows:

9E003 Other ''technology'' as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

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Related Controls: (1) Hot section ''technology'' specifically designed, modified, or equipped for military uses or purposes, or developed principally with U.S. Department of Defense funding, is ''subject to the ITAR'' (see 22 CFR parts 120 through 130). (2) ''Technology'' is subject to the EAR when actually applied to a commercial aircraft engine program. Exporters may seek to establish commercial application either on a case-by-case basis through submission of documentation demonstrating application to a commercial program in requesting an export license from the Department Commerce in respect to a specific export, or in the case of use for broad categories of aircraft, engines, ''parts'' or ''components,'' a commodity jurisdiction determination from the Department of State.

* * * * *

Items:

a. ''Technology'' ''required'' for the ''development'' or ''production'' of any of the following gas turbine engine ''parts,'' ''components'' or systems:

* * * * *

a.3. ''Parts'' or ''components'' manufactured from any of the following:

* * * * *

a.4. Uncooled turbine blades, vanes, ''tip shrouds'' or other ''parts'' or ''components,'' designed to operate at gas path total (stagnation) temperatures of 1,323 K (1,050°C) or more at sea-level static take-off (ISA) in a 'steady state mode' of engine operation;

* * * * *

a.7. Gas turbine engine ''parts'' or ''components'' using ''diffusion bonding'' ''technology'' controlled by 2E003.b;

a.8. 'Damage tolerant' gas turbine engine rotor ''parts'' or ''components'' using powder metallurgy materials controlled by 1C002.b;*or*

Technical Note: 'Damage tolerant' ''parts'' and ''components'' are designed using methodology and substantiation to predict and limit crack growth.

* * * * *

c. ''Technology'' ''required'' for manufacturing cooling holes, in gas turbine engine ''parts'' or ''components'' incorporating any of the ''technologies'' specified by 9E003.a.1, 9E003.a.2 or 9E003.a.5, and having any of the following:

* * * * *

f. ''Technology'' ''required'' for the ''production'' of ''specially designed'' ''parts'' or ''components'' for high output diesel engines, as follows:

f.1. ''Technology'' ''required'' for the ''production'' of engine systems having all of the following ''parts'' and ''components'' employing ceramics materials controlled by 1C007:

* * * * *

f.1.d. One or more other ''part'' or ''component'' (including exhaust ports, turbochargers, valve guides, valve assemblies or insulated fuel injectors);

h. * * *

h.1. ''Development'' ''technology'' for deriving the functional requirements for the ''parts'' or ''components'' necessary for the ''FADEC system'' to regulate engine thrust or shaft power (e.g., feedback sensor time constants and accuracies, fuel valve slew rate);

h.2. ''Development'' or ''production'' ''technology'' for control and diagnostic ''parts'' or ''components'' unique to the

''FADEC system'' and used to regulate engine thrust or shaft power;

i. * * *

i.1. ''Development'' ''technology'' for deriving the functional requirements for the ''parts'' or ''components'' that maintain engine stability;

i.2. ''Development'' or ''production'' ''technology'' for ''parts'' or ''components'' unique to the adjustable flow path system and that maintain engine stability;

* * * * *

j. ''Technology'' not otherwise controlled in 9E003.a.1 through a.8, a.10, and .h and used in the ''development'', ''production'', or overhaul of hot section ''parts'' or ''components'' of civil derivatives of military engines controlled on the U.S. Munitions List.

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■ 293. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Aerospace and Propulsion, Export Control Classification Number (ECCN) 9E101 is amended by revising the ''Related Controls'' paragraph in the List of Items Controlled section to read as follows:

9E101 ''Technology'' according to the General Technology Note for the ''development,'' ''production'' or ''use'' of commodities or software controlled by 9A012 (for MT controlled commodities only), 9A101, 9A103 to 9A111, 9A115 to 9A119, 9C110, 9D101, 9D103, 9D104 or 9D105.

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List of Items Controlled

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Related Controls: ''Technology'' controlled by 9E101 for items in 9A101.b, 9A104 to 9A111, 9A115 to 9A119, 9D103, and 9D105 is ''subject to the ITAR'' (see 22 CFR parts 120 through 130).

* * * * *

■ 294. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Aerospace and Propulsion, Export Control Classification Number (ECCN) 9E102 is amended by revising the ''Related Controls'' paragraph (2) in the List of Items Controlled section to read as follows:

9E102 ''Technology'' according to the General Technology Note for the ''use'' of space launch vehicles specified in 9A004, or commodities or software controlled by 9A005 to 9A012, 9A101, 9A104 to 9A111, 9A115 to 9A119, 9B105, 9B106, 9B115, 9B116, 9B117, 9D101, 9D103, 9D104 or 9D105.

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List of Items Controlled

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Related Controls: * * *

(2) ''Technology'' controlled by 9E102 for commodities or software ''subject to the ITAR'' (see 22 CFR parts 120 through 130) in 9A004 to 9A011, 9A101.b, 9A104, 9A105, 9A106.a to .c, 9A107 to 9A111, 9A115 to 9A119, 9B115, 9B116, 9D103, specified software in 9D104, and 9D105 is ''subject to the ITAR'' (see 22 CFR parts 120 through 130).

* * * * *

Dated: September 23, 2013.

Kevin J. Wolf,

Assistant Secretary for Export Administration.

[FR Doc. 2013–23496 Filed 10–3–13; 8:45 am]

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