

**§ 1308.2 Determinations for specified plastics.**

(a) The following plastics do not exceed the phthalates content limits with a high degree of assurance as that term is defined in 16 CFR part 1107:

- (1) Polypropylene (PP), with any of the following additives:
- (i) The plasticizers polybutenes, dioctyl sebacate, isooctyl tallate, paraffinic, naphthenic, and mineral plasticizing oils, and polyol;
  - (ii) Unrecovered catalysts;
  - (iii) Fillers;
  - (iv) Primary and secondary antioxidants;
  - (v) Neutralizing agents;
  - (vi) Antistatic agents;
  - (vii) Slip agents;
  - (viii) Metal deactivators;
  - (ix) Quenchers;
  - (x) UV stabilizers;
  - (xi) Nucleating agents;
  - (xii) Flame retardants;
  - (xiii) Blowing or foaming agents;
  - (xiv) Antiblocking agents;
  - (xv) Lubricants; or
  - (xvi) Colorants.
- (2) Polyethylene (PE), with any of the following additives:
- (i) The plasticizers glyceryl tribenzoate, polyethylene glycol, sunflower oil, paraffin wax, paraffin oil, mineral oil, glycerin, EPDM rubber, and EVA polymer;
  - (ii) Initiators;
  - (iii) Promoters;
  - (iv) Unrecovered catalysts;
  - (v) Fillers;
  - (vi) Antistatic agents;
  - (vii) Flame retardants;
  - (viii) Anti-blocking agents;
  - (ix) Slip agents;
  - (x) Blowing agents;
  - (xi) Cross-linking agents;
  - (xii) Antioxidants;
  - (xiii) Carbon black; or
  - (xiv) Colorants.
- (3) General purpose polystyrene (GPPS), medium-impact polystyrene (MIPS), high-impact polystyrene (HIPS), and super high-impact polystyrene (SHIPS) with any of the following additives:
- (i) Unrecovered catalysts;
  - (ii) Internal lubricants;
  - (iii) Chain transfer/transition agents;
  - (iv) Stabilizers;
  - (v) Diluents;
  - (vi) Colorants;
  - (vii) Aluminum chloride, ethyl chloride, hydrochloric acid;
  - (viii) Iron oxide, potassium oxide, chromium oxide; or
  - (ix) Bifunctional peroxides.
- (4) Acrylonitrile butadiene styrene (ABS), with any of the following additives:
- (i) The plasticizers hydrocarbon processing oil, triphenyl phosphate,

resorcinol bis(diphenyl phosphate), oligomeric phosphate, long chain fatty acid esters and aromatic sulfonamide;

- (ii) Stabilizers;
- (iii) Lubricants;
- (iv) Antioxidants;
- (v) Molecular weight regulators;
- (vi) Initiators/unrecovered catalysts,
- (vii) Activators;
- (viii) Emulsifiers; or
- (ix) Colorants.

(b) Accessible component parts of children's toys and child care articles made with the specified plastics, and specified additives, listed in paragraph (a) of this section are not required to be third party tested pursuant to section 14(a)(2) of the CPSA and 16 CFR part 1107.

(c) Accessible component parts of children's toys and child care articles made with a plastic or additives not listed in paragraph (a) of this section that are plasticized or may contain phthalates are required to be third party tested pursuant to section 14(a)(2) of the CPSA and 16 CFR part 1107.

Dated: August 25, 2017.

**Todd A. Stevenson,**

*Secretary, Consumer Product Safety Commission.*

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## DEPARTMENT OF STATE

### 22 CFR Part 121

[Public Notice 10082]

RIN 1400-AE43

### Temporary Modification of Category XI of the United States Munitions List

**AGENCY:** Department of State.

**ACTION:** Final rule; notice of temporary modification.

**SUMMARY:** The Department of State, pursuant to its regulations and in the interest of the security of the United States, temporarily modifies Category XI of the United States Munitions List (USML).

**DATES:** Amendatory instructions 1 and 2 are effective August 30, 2017. Amendatory instruction No. 3 is effective August 30, 2018.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert Monjay, Office of Defense Trade Controls Policy, Department of State, telephone (202) 663-2817; email [monjayr@state.gov](mailto:monjayr@state.gov). ATTN: Temporary Modification of Category XI.

**SUPPLEMENTARY INFORMATION:** On July 1, 2014, the Department published a final rule revising Category XI of the USML,

79 FR 37536, effective December 30, 2014. That final rule, consistent with the two prior proposed rules for USML Category XI (78 FR 45018, July 25, 2013 and 77 FR 70958, November 28, 2012), revised paragraph (b) of Category XI to clarify the extent of control and maintain the existing scope of control on items described in paragraph (b) and the directly related software described in paragraph (d). The Department has determined that exporters may read the revised control language to exclude certain intelligence-analytics software that has been and remains controlled on the USML. Therefore, the Department determined that it is in the interest of the security of the United States to temporarily revise USML Category XI paragraph (b), pursuant to the provisions of 22 CFR 126.2, while a long-term solution is developed. The Department will publish any permanent revision to USML Category XI paragraph (b) addressing this issue as a proposed rule for public comment.

This temporary revision clarifies that the scope of control in existence prior to December 30, 2014 for USML paragraph (b) and directly related software in paragraph (d) remains in effect. This clarification is achieved by reinserting the words "analyze and produce information from" and by adding software to the description of items controlled.

The Department previously published a final rule on July 2, 2015 (80 FR 37974) that temporarily modified USML Category XI(b) until December 29, 2015. The Department published a final rule on December 16, 2015 (80 FR 78130) that continued the July 2, 2015 modification to August 30, 2017. This final rule extends the July 2, 2015 modification to August 30, 2018 to allow the U.S. government to review USML Category XI in full and publish proposed and final rules.

### Regulatory Findings

#### *Administrative Procedure Act*

The Department is publishing this rule as a final rule based upon good cause, and its determination that delaying the effect of this rule during a period of public comment would be impractical, unnecessary and contrary to public interest. 5 U.S.C. 553(b)(3)(B). In addition, the Department is of the opinion that controlling the import and export of defense articles and services is a foreign affairs function of the United States Government and that rules implementing this function are exempt from sections 553 (rulemaking) and 554 (adjudications) of the Administrative Procedure Act (APA).

*Regulatory Flexibility Act*

Since the Department is of the opinion that this rule is exempt from the provisions of 5 U.S.C. 553, there is no requirement for an analysis under the Regulatory Flexibility Act.

*Unfunded Mandates Reform Act of 1995*

This rulemaking does not involve a mandate that will result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any year and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

*Small Business Regulatory Enforcement Fairness Act of 1996*

The Department does not believe this rulemaking is a major rule under the criteria of 5 U.S.C. 804.

*Executive Orders 12372 and 13132*

This rulemaking does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this rulemaking.

*Executive Orders 12866 and 13563*

The Department believes that benefits of the rulemaking outweigh any costs, which are estimated to be insignificant. This rulemaking is not an economically significant rule under the criteria of Executive Order 12866, and is consistent with the provisions of Executive Order 13563.

*Executive Order 12988*

The Department of State has reviewed this rulemaking in light of sections 3(a) and 3(b)(2) of Executive Order 12988 to eliminate ambiguity, minimize litigation, establish clear legal standards, and reduce burden.

*Executive Order 13175*

The Department of State has determined that this rulemaking will not have tribal implications, will not impose substantial direct compliance costs on Indian tribal governments, and will not preempt tribal law. Accordingly, the requirements of Executive Order 13175 do not apply to this rulemaking.

*Paperwork Reduction Act*

This rulemaking does not impose or revise any information collections subject to 44 U.S.C. chapter 35.

*Executive Order 13771*

This rule is not subject to the requirements of EO 13771 (82 FR 9339, February 3, 2017) because it is issued with respect to a foreign affairs function of the United States.

**List of Subjects in 22 CFR Part 121**

Arms and munitions, Classified information, Exports.

For reasons stated in the preamble, the State Department amends 22 CFR part 121 as follows:

**PART 121—THE UNITED STATES MUNITIONS LIST**

■ 1. The authority citation for part 121 continues to read as follows:

**Authority:** Secs. 2, 38, and 71, Pub. L. 90–629, 90 Stat. 744 (22 U.S.C. 2752, 2778, 2797); 22 U.S.C. 2651a; Pub. L. 105–261, 112 Stat. 1920; Section 1261, Pub. L. 112–239; E.O. 13637, 78 FR 16129.

■ 2. In § 121.1, under Category XI, revise paragraph (b), effective August 30, 2017, to read as follows:

**§ 121.1 The United States Munitions List.**

\* \* \* \* \*

**Category XI—Military Electronics**

\* \* \* \* \*

\*(b) Electronic systems, equipment or software, not elsewhere enumerated in this subchapter, specially designed for intelligence purposes that collect, survey, monitor, or exploit, or analyze and produce information from, the electromagnetic spectrum (regardless of transmission medium), or for counteracting such activities.

\* \* \* \* \*

■ 3. In § 121.1, under Category XI, revise paragraph (b), effective August 30, 2018, to read as follows:

**§ 121.1 The United States Munitions List.**

\* \* \* \* \*

**Category XI—Military Electronics**

\* \* \* \* \*

\*(b) Electronic systems or equipment, not elsewhere enumerated in this subchapter, specially designed for intelligence purposes that collect, survey, monitor, or exploit the electromagnetic spectrum (regardless of

transmission medium), or for counteracting such activities.

\* \* \* \* \*

**Rex W. Tillerson,**

*Secretary of State, U.S. Department of State.*

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**DEPARTMENT OF HOMELAND SECURITY****Coast Guard****33 CFR Part 117**

[Docket No. USCG–2017–0785]

**Drawbridge Operation Regulation; Upper Mississippi River, Rock Island, IL**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of deviation from drawbridge regulation.

**SUMMARY:** The Coast Guard has issued a temporary deviation from the operating schedule that governs the Rock Island Railroad and Highway Drawbridge across the Upper Mississippi River, mile 482.9, at Rock Island, Illinois. The deviation is necessary to repair the bridge for safe continued operation. This deviation allows the bridge to remain in the closed-to-navigation position for approximately three (3) hours on one day until the repair is completed.

**DATES:** This deviation is effective from 6 a.m. through 9 a.m. on September 9, 2017.

**ADDRESSES:** The docket for this deviation, (USCG–2017–0785) is available at <http://www.regulations.gov>. Type the docket number in the “SEARCH” box and click “SEARCH.” Click on Open Docket Folder on the line associated with this deviation.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this temporary deviation, call or email Eric A. Washburn, Bridge Administrator, Western Rivers, Coast Guard; telephone 314–269–2378, email [Eric.Washburn@uscg.mil](mailto:Eric.Washburn@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The U.S. Army Rock Island Arsenal requested a temporary deviation for the Rock Island Railroad and Highway Drawbridge, across the Upper Mississippi River, mile 482.9, at Rock Island, Illinois. The bridge has a vertical clearance of 23.8 feet above normal pool in the closed-to-navigation position. This bridge is governed by 33 CFR 117.5.

This deviation allows the bridge to remain in the closed-to-navigation