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DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Part 730

[Docket No. 050202023-5023-01]

RIN 0694-AD40

Editorial Corrections to the Export Administration Regulations

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: This final rule amends the Export Administration Regulations to update a fax number and to update the list of information collections. The Paperwork Collection List identifies the control numbers assigned to information collection requirements under the Export Administration Regulations (EAR) by the Office of Management and Budget pursuant to the Paperwork Reduction Act. This action makes editorial corrections and updates and is not intended to have a substantive effect on the rights or obligations of the public.

DATES: This rule is effective March 22, 2005.

ADDRESSES: You may submit comments, identified by RIN 0694-AD40, by any of the following methods:

- E-mail: scook@bis.doc.gov. Include "RIN 0694-AD40" in the subject line of the message.
- Fax: (202) 482-3355.
- Mail or Hand Delivery/Courier: Sharron Cook, U.S. Department of Commerce, Bureau of Industry and Security, Regulatory Policy Division, 14th & Pennsylvania Avenue, NW., Room 2705, Washington, DC 20230, ATTN: RIN 0694-AD40.

FOR FURTHER INFORMATION CONTACT: Sharron Cook, Regulatory Policy Division, Office of Exporter Services,

Bureau of Industry and Security, Telephone: (202) 482-2440.

SUPPLEMENTARY INFORMATION:

Background

This rule amends section 730.8 of the EAR by correcting the fax number of the Outreach & Exporter Services Division of the Bureau of Industry and Security to (202) 482-2927.

In addition, this rule updates the Paperwork Collections List to delete information collections that are no longer in effect and to add new information collections that have been approved.

Although the Export Administration Act expired on August 20, 2001, Executive Order 13222 of August 17, 2001 (66 FR 44025, August 22, 2001), extended by the Notice of August 6, 2004, 69 FR 48763 (August 10, 2004), continues the EAR in effect under the International Emergency Economic Powers Act.

Rulemaking Requirements

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

2. Paperwork Reduction Act: Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act 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 does not affect or include any collections of information.

3. This rule does not contain policies with federalism implications as that term is defined under E.O. 13132.

4. 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 (5 U.S.C. 553) requiring notice of proposed rulemaking and the opportunity for public participation. This rule makes changes to part 730 of the EAR that are purely administrative and do not affect the rights or obligations of the public. The information in part 730 is general and not regulatory. The controlling regulatory language is the language of succeeding parts of the EAR and of any other law or regulation referred to or

applicable. This rule makes editorial corrections to update the contact information of the offices in the Bureau of Industry and Security, and updates the Paperwork Collections List.

Because these revisions are not substantive changes to the EAR, it is unnecessary to provide notice and opportunity for public comment. In addition, because this is not a substantive rule, the delay in effective date pursuant to 5 U.S.C. 553(d)(3) is not applicable. Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this final rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under the Administrative Procedure Act or by any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable.

Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis. Please refer to the **ADDRESSES** section cited above for comment submission.

List of Subjects in 15 CFR Part 730

Administrative practice and procedure, Advisory committees, Exports, Reporting and, recordkeeping requirements, Strategic and critical materials.

■ Accordingly, part 730 of the Export Administration Regulations (15 CFR parts 730-799) is amended as follows:

PART 730—[AMENDED]

■ 1. The authority citation for 15 CFR part 730 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); 18 U.S.C. 2510 *et seq.*; 22 U.S.C. 287c; 22 U.S.C. 2151 note, Pub. L. 108-175; 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; 46 U.S.C. app. 466c; 50 U.S.C. app. 5; Sec. 901-911, Pub. L. 106-387; Sec. 221, Pub. L. 107-56; E.O. 11912, 41 FR 15825, 3 CFR, 1976 Comp., p. 114; E.O. 12002, 42 FR 35623, 3 CFR, 1977 Comp., p. 133; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12214, 45 FR 29783, 3 CFR, 1980 Comp., p. 256; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12854, 58 FR 36587, 3 CFR, 1993 Comp., p. 179; E.O. 12918, 59 FR 28205, 3 CFR, 1994 Comp., p. 899; E.O. 12938, 59 FR

59099, 3 CFR, 1994 Comp., p. 950; E.O. 12947, 60 FR 5079, 3 CFR, 1995 Comp., p. 356; E.O. 12981, 60 FR 62981, 3 CFR, 1995 Comp., p. 419; 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. 13099, 63 FR 45167, 3 CFR, 1998 Comp., p.208; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13224, 66 FR 49079, 3 CFR, 2001 Comp., p. 786; E.O. 13338, 69 FR 26751, May 13, 2004; Notice of August 6, 2004, 69 FR 48763 (August 10, 2004); Notice of November 4, 2004, 69 FR 64637 (November 8, 2004).

■ 2. Revise paragraph (c) in § 730.8 to read as follows:

§ 730.8 How to proceed and where to get help.

* * * * *

(c) *Where to get help.* Throughout the EAR you will find information on offices you can contact for various purposes and types of information. General information including assistance in understanding the EAR, information on how to obtain forms, electronic services, publications, and information on training programs offered by BIS, is available from the Office of Export Services at the following locations:

Outreach & Exporter Services Division, U.S. Department of Commerce, 14th and Pennsylvania Avenue, NW., Room

H1009D, Washington, DC 20230, Tel: (202) 482-4811, Fax: (202) 482-2927; and Western Regional Office, U.S. Department of Commerce, 3300 Irvine Avenue, Suite 345, Newport Beach, California 92660, Tel: (949) 660-0144, Fax: (949) 660-9347; and U.S. Export Assistance Center, Bureau of Industry and Security, 152 N. Third Street, Suite 550, San Jose, California 95112-5591, Tel: (408) 998-7402, Fax: (408) 998-7470.

■ 3. Revise the chart in Supplement No. 1 to Part 730 to read as follows:

**Supplement No. 1 to Part 730—
Information Collection Requirements
Under the Paperwork Reduction Act:
OMB Control Numbers**

* * * * *

Collection number	Title	Reference in the EAR
0694-0004	Foreign Availability Procedures and Criteria	part 768.
0694-0009	Approval of Triangular Transactions Involving Commodities Covered by a U.S. Import Certificate.	§ 748.10(e).
0694-0012	Report of Requests for Restrictive Trade Practice or Boycott—Single or Multiple Transactions.	part 760 and § 762.2(b).
0694-0013	Computers and Related Equipment EAR Supplement 2 to Part 748.	part 774.
0694-0016	Delivery Verification Certificate	§§ 748.13 and 762.2(b).
0694-0017	International Import Certificate	§ 748.10
0694-0021	Statement by Ultimate Consignee and Purchaser	§§ 748.11 and 762.2(b).
0694-0023	Written Assurance Requirement of License Exception TSR (Technology and Software Under Restriction).	§§ 740.3(d) and 740.4(c).
0694-0025	Short Supply Regulations—Unprocessed Western Red Cedar.	§§ 754.4 and 762.2(b).
0694-0026	Short Supply Regulations—Petroleum Products	§ 754.3.
0694-0027	Short Supply Regulations Petroleum (Crude Oil)	§ 754.2.
0694-0029	License Exception TMP: Special Requirements	§ 740.9(a)(2)(viii)(B).
0694-0033	License Exception, Humanitarian Donations	§§ 740.12(b)(7), 762.2(b), Supp. No. 2 to part 740.
0694-0047	Technology Letter of Explanation	Supplement No. 2 to part 748, paragraph (o)(2).
0694-0058	Procedure for Voluntary Self-Disclosure of Violations	§§ 762.2(b) and 764.5.
0694-0073	Export Controls of High Performance Computers	§ 742.12, Supplement No. 3 to part 742, and § 762.2(b).
0694-0086	Report of Sample Shipments of Chemical Weapon Precursors.	Supplement No. 1 to part 774.
0694-0088	Simplified Network Application Processing+ System (SNAP+) and the Multipurpose Export License Application.	parts 746, 748, and 752; § 762.2(b).
0694-0089	Special Comprehensive License Procedure	part 752 and § 762.2(b).
0694-0093	Import Certificates And End-User Certificates	§§ 748.9, 748.10, 762.5(d), 762.6 764.2(g)(2).
0694-0096	Five Year Records Retention Period	part 760, § 762.6(a).
0694-0100	Requests for Appointment of Technical Advisory Committee.	Supplement No. 1 to part 730.
0694-0101	One-Time Report For Foreign Software or Technology Eligible For De Minimis Exclusion.	§ 734.4.
0694-0102	Registration of U.S. Agricultural Commodities For Exemption From Short Supply Limitations on Export”, and “Petitions For The Imposition of Monitoring Or Controls On Recyclable Metallic materials; Public Hearings.	§§ 754.6 and 754.7.
0694-0104	Review, Reporting, and Notification of Commercial Encryption Items.	§§ 740.9(c), 740.13(e), 740.17 and 742.15(b).
0694-0106	Reporting and Recordkeeping Requirements under the Wassenaar Arrangement.	§ 743.1.
0694-0107	National Defense Authorization Act (NDAA)	§§ 740.7, 742.12.
0694-0117	Chemical Weapons Convention Provisions of the Export Administration Regulations (Schedule 1 Advance Notifications and Reports and Schedule 3 End-use Certificates).	Part 745.
0694-0122	Licensing Responsibilities and Enforcement	Part 758, and § 748.4.
0694-0123	Prior Notification of Exports under License Exception AGR.	§ 740.18.
0694-0125	BIS Seminar Evaluation	N/A
0694-0126	Export License Services—Transfer of License Ownership, Requests for a Duplicate License.	§ 750.9.

Collection number	Title	Reference in the EAR
0694-0129	Export and Reexport Controls For Iraq	§ 732.3, 738, 744.18, 746.3(b)(1), 747, 750, 758, 762, 772, 774.
0607-0152	Shipper's Export Declaration (SED)/Automated Export System (AES) Program FORMS: 7525-V AES.	§§ 740.1(d) 740.3(a)(3), 752.7(b), §§ 752.15(a), § 754.2(h) and 754.4(c), 758.1, §§ 758.2, and 758.3 of the EAR.

Dated: March 14, 2005.

Matthew S. Borman,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 05-5548 Filed 3-21-05; 8:45 am]

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DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Parts 738, 740, 742, 764, and 774

[Docket No. 040422128-5024-02]

RIN 0694-AD14

Revision of Export and Reexport Restrictions on Libya

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: In this rule, the Bureau of Industry and Security (BIS) amends the Export Administration Regulations (EAR) to implement further changes to export and reexport controls with respect to Libya. The majority of changes are based on comments submitted to BIS as requested in an earlier interim rule. This rule also corrects an inadvertent error in that interim rule.

DATES: This rule is effective March 22, 2005.

ADDRESSES: Although comments are not formally requested, comments on this rule may be sent to Sheila Quarterman, Office of Exporter Services, Regulatory Policy Division, Bureau of Industry and Security, Department of Commerce, P.O. Box 273, Washington, DC 20044, fax: (202) 482-3355, or e-mail: squarter@bis.doc.gov.

FOR FURTHER INFORMATION CONTACT: Joan Roberts, Director, Foreign Policy Division, Office of Nonproliferation and Treaty Compliance, Bureau of Industry and Security, Department of Commerce, P.O. Box 273, Washington, DC 20044; Telephone: (202) 482-4252, or E-mail: jroberts@bis.doc.gov.

SUPPLEMENTARY INFORMATION:

Background

On April 29, 2004, the Bureau of Industry and Security (BIS) published

an interim rule with request for comments in the **Federal Register** (69 FR 23626). That rule amended the Export Administration Regulations (EAR) to implement the President's April 23, 2004 decision to modify the United States' sanctions against Libya, in response to Libya's continuing efforts to dismantle its weapons of mass destruction and missile programs, and its renunciation of terrorism. On April 23, 2004, the President announced the termination of the application of the Iran and Libya Sanctions Act (ILSA) with respect to Libya. On April 29, 2004, the Department of the Treasury, Office of Foreign Assets Control (OFAC), modified its sanctions imposed on U.S. firms and individuals under the authority of the International Emergency Economic Powers Act (IEEPA) to allow the resumption of most commercial activities, financial transactions, and investments between the United States and Libya. Consequently, OFAC issued a General License (31 CFR 550.575) which transferred licensing jurisdiction for the export and reexport of items subject to the EAR back to the Department of Commerce.

The BIS April 29, 2004 interim rule set forth the new license requirements and licensing policy for exports and reexports to Libya under BIS's licensing responsibility. That rule also implemented the transfer to BIS from OFAC of the licensing jurisdiction for exports to Libya of most items subject to the EAR.

Changes From April 29 Interim Rule

Based on public comments received in response to the April 29, 2004 interim rule, BIS is establishing a review policy and licensing procedure for activities involving items subject to the EAR that may have been illegally exported or reexported to Libya before the comprehensive embargo on Libya ended ("installed base" items). BIS is also modifying the licensing policy for some commercial charges classified under Export Control Classification Number (ECCN) 1C992.

In addition to changes made in response to public comments, BIS is making a number of changes, including revision of License Exception Aircraft and Vessels (AVS) to permit vessels to make temporary sojourns to Libya

without a license. BIS is also modifying the language in License Exception Temporary Imports, Exports and Reexports (TMP) to ensure clarity regarding certain software. Additionally, BIS is modifying the licensing policy for the export or reexport of U.S.-origin civil aircraft and helicopters subject to the EAR to Libya to case-by-case review. In this rule, BIS also is clarifying that portable electric power generators, controlled under ECCN 2A994, and related software and technology, controlled under ECCNs 2D994 and 2E994, require a license for export or reexport to Libya for anti-terrorism reasons. Further, BIS is modifying ECCN 8A992 to clarify that it addresses vessels in addition to submersible items. Finally, BIS is correcting an inadvertent error in the April 29 interim rule, which omitted an "X" in the NP:2 column for Libya on the Commerce Country Chart, Supplement 1 to Part 738 of the EAR.

Comments

BIS received four comments on the April 29 interim rule, as summarized below.

1. *Anti-Terrorism Controls.* Two respondents requested that BIS remove unilateral anti-terrorism (AT) controls imposed on Libya. Respondents offered the following points in support of their request:

a. The United States has repeatedly stated that the Libyan Government has taken, and continues to take, extraordinary and concrete steps to renounce terrorism and all its means. The retention of AT controls is inconsistent with the United States' new Libya policy.

b. AT-controlled items do not contribute to the proliferation of weapons of mass destruction.

c. Unilateral controls are ineffective because similar items are commonly available from other countries which permit their export to Libya.

d. Delays caused by licensing requirements disadvantage U.S. industry.

2. *Installed base.* Two respondents also requested that BIS provide relief from General Prohibition Ten of Part 736 of the EAR enabling exporters to make use of, repair, maintain, service or upgrade U.S.-origin controlled items that may have been exported or