

components therefor containing analog-to-digital converters having all of the following characteristics:

- k.1. 32 channels or more; and,
- k.2. A resolution of 14 bit (plus sign bit) or more with a conversion rate of 200,000 conversions/s or more.

■ 22. In Supplement No. 1 to part 774 (the Commerce Control List), Category 4—Computers, Export Control Classification Number (ECCN) 4D993 is amended by revising the ECCN heading and by revising paragraphs (b) and (c) of the “Items” paragraph, in the “List of Items Controlled” section, to read as follows:

*4D993 “Program” proof and validation “software”, “software” allowing the automatic generation of “source codes”, and operating system “software” not controlled by 4D003 that are specially designed for real time processing equipment (see List of Items Controlled).*

\* \* \* \* \*

#### List of Items Controlled

*Unit:* \* \* \*

*Related Controls:* \* \* \*

*Related Definitions:* \* \* \*

*Items:*

\* \* \* \* \*

- b. “Software” allowing the automatic generation of “source codes” from data acquired on line from external sensors described in the Commerce Control List; or
- c. Operating system “software” specially designed for “real time processing” equipment that guarantees a “global interrupt latency time” of less than 20 microseconds.

■ 23. In Supplement No. 1 to part 774 (the Commerce Control List), Category 4—Computers, Export Control Classification Number (ECCN) 4E992 is amended by revising the “Related Controls” paragraph, in the “List of Items Controlled” section, to read as follows:

*4E992 “Technology” other than that controlled in 4E001 for the “development”, “production”, or “use” of equipment controlled by 4A994 and 4B994, materials controlled by 4C994, or “software” controlled by 4D993 or 4D994.*

\* \* \* \* \*

#### List of Items Controlled

*Unit:* \* \* \*

*Related Controls:* N/A

*Related Definitions:* \* \* \*

*Items:*

\* \* \* \* \*

■ 24. 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 removing paragraph (b)(8) from the “Items” paragraph in the “List of Items Controlled” section;
- b. By removing and reserving paragraphs (c)(2) and (c)(4) of the “Items” paragraph in the “List of Items Controlled” section, and
- c. By revising the “Note” at the end of paragraph (c)(4) of the “Items” paragraph in the “List of Items Controlled” section, to read as follows:

*5A991 Telecommunication equipment, not controlled by 5A001.*

\* \* \* \* \*

#### List of Items Controlled

*Unit:* \* \* \*

*Related Controls:* \* \* \*

*Related Definitions:* \* \* \*

*Items:*

\* \* \* \* \*

- c. “Stored program controlled” \* \* \*

**Note:** Statistical multiplexers with digital input and digital output which provide switching are treated as “stored program controlled” switches.

- c.1. “Data (message) switching” equipment or systems designed for “packet-mode operation” and assemblies and components therefor, n.e.s.
- c.2. [Reserved];
- c.3. Routing or switching of ‘datagram’ packets;
- c.4. [Reserved]

**Note:** The restrictions in 5A991.c.3 do not apply to networks restricted to using only “network access controllers” or to “network access controllers” themselves.

\* \* \* \* \*

■ 25. In Supplement No. 1 to part 774 (the Commerce Control List), Category 6—Sensors and Lasers, Export Control Classification Number (ECCN) 6A995 is amended by revising the ECCN heading, to read as follows:

*6A995 “Lasers” (see List of Items Controlled).*

\* \* \* \* \*

■ 26. In Supplement No. 1 to part 774 (the Commerce Control List), Category 7—Navigation and Avionics, Export Control Classification Number (ECCN) 7D001 is amended by removing the ECCN reference “7A007,” from the second sentence of the “Related Controls” paragraph in the “List of Items Controlled” section.

■ 27. In Supplement No. 1 to part 774 (the Commerce Control List), Category 7—Navigation and Avionics, Export Control Classification Number (ECCN) 7E001 is amended by removing the ECCN reference “7A007,” from the second sentence of the “Related Controls” paragraph in the “List of Items Controlled” section.

■ 28. In Supplement No. 1 to part 774 (the Commerce Control List), Category 7—Navigation and Avionics, Export

Control Classification Number (ECCN) 7E002 is amended by removing the ECCN reference “7A007,” from the second sentence of the “Related Controls” paragraph in the “List of Items Controlled” section.

■ 29. In Supplement No. 1 to part 774 (the Commerce Control List), Category 7—Navigation and Avionics, Export Control Classification Number (ECCN) 7E101 is amended 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.*

\* \* \* \* \*

#### List of Items Controlled

*Unit:* \* \* \*

**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 are subject to the export licensing authority of the U.S. Department of State, Directorate of Defense Trade Controls. (See 22 CFR part 121.)

**Related Definitions:** \* \* \*

**Items:**

\* \* \* \* \*

■ 30. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Propulsion Systems, Space Vehicles and Related Equipment, Export Control Classification Number (ECCN) 9E101 is amended by revising the ECCN heading, 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, 9A101, 9A104 to 9A111, 9A115 to 9A119, 9C110, 9D101, 9D103, 9D104 or 9D105.*

\* \* \* \* \*

Dated: September 29, 2008.

**Christopher R. Wall,**

*Assistant Secretary for Export Administration.*

[FR Doc. E8–23289 Filed 10–3–08; 8:45 am]

**BILLING CODE 3510–33–P**

## DEPARTMENT OF STATE

### 22 CFR Part 126

[Public Notice: 6384]

### Amendment to the International Arms Traffic in Arms Regulations: Eritrea

**AGENCY:** Department of State.

**ACTION:** Final Rule.

**SUMMARY:** The Department of State is adding Eritrea to its regulations on prohibited exports and sales to certain countries as a result of its designation as a country not cooperating fully with antiterrorism efforts.

**DATES:** This rule is effective October 3, 2008.

**FOR FURTHER INFORMATION CONTACT:**

Nicholas Memos, Office of Defense Trade Controls Policy, Department of State, Telephone (202) 663-2804 or Fax (202) 261-8199; E-mail [DTCResponseTeam@state.gov](mailto:DTCResponseTeam@state.gov).

**SUPPLEMENTARY INFORMATION:** On May 14, the Deputy Secretary of State determined that six countries, Cuba, Eritrea, Iran, North Korea, Syria and Venezuela, are not cooperating fully with anti-terrorism efforts (73 FR 29172). As a result of this determination, Section 40A of the Arms Export Control Act, as amended (22 U.S.C. 2781), prohibits the sale or licensing for export of defense articles and defense services to those countries effective October 1. This rule adds Eritrea to the list of countries identified in 22 CFR 126.1(a).

**Regulatory Analysis and Notices**

*Administrative Procedure Act*

This amendment involves a foreign affairs function of the United States and, therefore, is not subject to the procedures contained in 5 U.S.C. 553 and 554.

*Regulatory Flexibility Act*

Since this amendment is not subject to the procedures in 5 U.S.C. 553, it does not require analysis under the Regulatory Flexibility Act.

*Unfunded Mandates Act of 1995*

This amendment 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*

This amendment has been found not to be a major rule within the meaning of the Small Business Regulatory Enforcement Fairness Act of 1996.

*Executive Orders 12372 and 13132*

This amendment will not have substantial direct effects on the States, on the relationship between the national

government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132, it is determined that this amendment 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 amendment.

*Executive Order 12866*

This amendment is exempt from review under Executive Order 12866, but has been reviewed internally by the Department of State to ensure consistency with the purposes thereof.

*Paperwork Reduction Act*

This rule does not impose any new reporting or recordkeeping requirements subject to the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

**List of Subjects in 22 CFR Part 126**

Arms and munitions, Exports.

■ Accordingly, for the reasons set forth above, Title 22, Chapter I, Subchapter M, Part 126 is amended as follows:

**PART 126—GENERAL POLICIES AND PROVISIONS**

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

**Authority:** Secs. 2, 38, 40, 42 and 71, Pub. L. 90-629, 90 Stat. 744 (22 U.S.C. 2752, 2778, 2780, 2791 and 2797); E.O. 11958, 42 FR 4311; 3 CFR, 1977 Comp., p.79; 22 U.S.C. 2651a; 22 U.S.C. 287c; E.O. 12918, 59 FR 28205; 3 CFR, 1994 Comp., p.899; Sec. 1225, Pub. L. 108-375.

■ 2. Section 126.1 is amended by revising paragraph (a) as follows:

**§ 126.1 Prohibited exports and sales to certain countries.**

(a) *General.* It is the policy of the United States to deny licenses and other approvals for exports and imports of defense articles and defense services, destined for or originating in certain countries. This policy applies to Belarus, Cuba, Eritrea, Iran, North Korea, Syria, and Venezuela. This policy also applies to countries with respect to which the United States maintains an arms embargo (e.g., Burma, China, Liberia, and Sudan) or whenever an export would not otherwise be in furtherance of world peace and the security and foreign policy of the United States. Information regarding certain other embargoes appears elsewhere in this section. Comprehensive arms

embargoes are normally the subject of a State Department notice published in the **Federal Register**. The exemptions provided in the regulations in this subchapter, except § 123.17 of this subchapter, do not apply with respect to articles originating in or for export to any proscribed countries, areas, or persons in this § 126.1.

\* \* \* \* \*

Dated: September 25, 2008.

**John C. Rood,**

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

[FR Doc. E8-23575 Filed 10-3-08; 8:45 am]

**BILLING CODE 4710-25-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 50**

[EPA-HQ-OAR-2005-0159; FRL-8725-5]

**RIN 2060-AP28**

**The Treatment of Data Influenced by Exceptional Events (Exceptional Event Rule): Revised Exceptional Event Data Flagging Submittal and Documentation Schedule To Support Initial Area Designations for the 2008 Ozone NAAQS**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action to amend the Exceptional Events Rule to provide a revised exceptional event data flagging and documentation schedule for ozone data that may be used for designations under the 2008 ozone national ambient air quality standards (NAAQS). The Exceptional Events Rule states that when EPA sets a NAAQS for a new pollutant or revises the NAAQS for an existing pollutant, EPA may revise or set a new schedule for flagging data for those NAAQS. EPA recently revised the primary and secondary ozone NAAQS to protect public health and welfare; the revised standards became effective on May 27, 2008. Consistent with the process envisioned in the Exceptional Events Rule, this direct final action revises the dates for flagging data and submitting documentation regarding exceptional events under the revised ozone NAAQS. This revised schedule allows EPA to fully consider state requests for exceptional event concurrence prior to EPA making final designations.

**DATES:** The direct final rule is effective on December 22, 2008 without further notice, unless EPA receives adverse