

imposes no license requirement but has potential to confuse readers about the items' EAR99 status.

Further, BIS received two comments in response to the March 28, 2013 interim final rule. One commenter stated that designating the Biosensor System No. 1 0A521 without license exception options other than License Exception GOV section 740.11(b)(2)(ii) may result in regulating the item more restrictively than it would under the ITAR and may result in "chilling effects toward academic research and thereby diminish innovation." Another commenter raised concerns that the scope of what is covered by the No. 1 0E521 "Technology" might be overly broad without a reference to the General Technology Note and that BIS should provide guidance on how to interpret the scope. The change of status of the biosensor systems and related "software" and "technology" to EAR99 renders the comments moot.

Therefore, in this rule, BIS amends the EAR to update certain entries in Supplement No. 5 to Part 774—Items Classified Under Export Control Classification Numbers (ECCNs) 0A521, 0B521, 0C521, 0D521 and 0E521—according to the procedure set forth in the April 13 rule that established the 0Y521 series. Specifically, in this rule, BIS removes references to biosensor systems and related "software" and "technology" under ECCNs 0A521 No. 1, 0D521 No. 1 and 0E521 No. 1, respectively, from Supplement No. 5 to Part 774 of the EAR to conform with the current legal status of those items under the EAR and rid the Supplement of obsolete references. The items are EAR99 and the 0Y521 series license requirements do not apply. This is a technical amendment that only updates Supplement No. 5 to Part 774 of the EAR. It does not alter any right, obligation or prohibition under the EAR.

Export Administration Act

Since August 21, 2001, the Export Administration Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp., 783 (2002)), as amended by Executive Order 13637 of March 8, 2013, 78 FR 16129 (March 13, 2013), and extended most recently by the Notice of August 8, 2013, 78 FR 49107 (August 12, 2013), has continued the EAR 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 as amended by Executive Order 13637.

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 determined to be not significant for purposes of Executive Order 12866.

2. 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 involve any collection 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)(3)(B) to waive the provisions of the Administrative Procedure Act requiring prior notice and the opportunity for public comment because they are unnecessary. This rule only updates Supplement No. 5 to Part 774 to the EAR by removing references to certain items to make the Supplement conform to the current legal status of those items under the EAR. These revisions are merely technical and reflect what already is in effect under the EAR in accordance with established procedure, and the procedure itself was proposed to the public and the subject of public comment. This rule clarifies information, which serves to avoid confusing readers about the items' EAR99 status. It does not alter any right, obligation or prohibition that applies to any person under the EAR. Because these revisions are not substantive changes, it is unnecessary to provide notice and opportunity for public comment. In addition, the 30-day delay in effectiveness required by 5 U.S.C. 553(d) is not applicable because this rule is not a substantive rule. Because neither the Administrative Procedure Act nor any other law requires that notice of proposed rulemaking and an opportunity for public comment be given for this rule, the analytical

requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable.

List of Subjects in 15 CFR Part 774

Exports, Reporting and recordkeeping requirements.

Accordingly, Part 774 of the Export Administration Regulations (15 CFR Parts 730–774) is amended as follows:

PART 774—[AMENDED]

■ 1. The authority citation for 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 FR 49107 (August 12, 2013).

■ 2. Supplement No. 5 to Part 774—Items Classified Under ECCNs Items Classified Under Export Control Classification Numbers (ECCNs) 0A521, 0B521, 0C521, 0D521 and 0E521—is amended by:

■ a. Removing and reserving the entire entry for item "No. 1 Biosensor systems and dedicated detecting components" under the section "0A521. Systems, Equipment and Components";

■ b. Removing and reserving the entire entry for item "No. 1 0D521 "Software" for the function of Biosensor Systems controlled by ECCN 0A521." under section "0D521. Software"; and

■ c. Removing and reserving the entire entry for item "No. 1 0E521 "Technology for the "development" or "production" of Biosensor Systems controlled by ECCN 0A521." under section "0E521. Technology".

Dated: July 25, 2014.

Kevin J. Wolf,

Assistant Secretary for Export Administration.

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DEPARTMENT OF STATE

22 CFR Part 126

[Public Notice 8810]

RIN 1400–AD62

Amendment to the International Traffic in Arms Regulations: Central African Republic and UNSCR 2149

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: The Department of State is amending the International Traffic in Arms Regulations (ITAR) to update the defense trade policy regarding the Central African Republic to reflect the most recent resolution adopted by the United Nations Security Council.

DATES: *Effective Date:* This rule is effective August 4, 2014.

FOR FURTHER INFORMATION CONTACT: Mr. C. Edward Peartree, Director, Office of Defense Trade Controls Policy, U.S. Department of State, telephone (202) 663-2792, or email DDTCResponseTeam@state.gov. ATTN: Regulatory Change, Central African Republic.

SUPPLEMENTARY INFORMATION: On April 10, 2014, the United Nations Security Council (UNSC) adopted resolution 2149, which called for the UN Integrated Peacebuilding Office in the Central African Republic (BINUCA) to be subsumed into the UN Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA). The Department of State is amending ITAR § 126.1(u) to implement this change.

Regulatory Analysis and Notices

Administrative Procedure Act

The Department of State 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. Since the Department is of the opinion that this rule is exempt from 5 U.S.C. 553, it is the view of the Department that the provisions of section 553(d) do not apply to this rulemaking. Therefore, this rule is effective upon publication. The Department also finds that, given the national security issues surrounding U.S. policy towards the Central African Republic, there is good cause for the effective date of this rule to be the date of publication, as provided by 5 U.S.C. 553(d)(3).

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 within the definition of 5 U.S.C. 804.

Executive Orders 12372 and 13132

This rulemaking 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, the Department has determined that 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

Executive Orders 12866 and 13563 direct agencies to assess 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, distributed impacts, and equity). These executive orders stress the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. The Department has determined that the benefits of this rulemaking outweigh any cost to the public, which the Department believes will be minimal. This rule has not been designated a “significant regulatory action” under section 3(f) of Executive Order 12866.

Executive Order 12988

The Department of State reviewed this rulemaking in light of Executive Order 12988 to eliminate ambiguity, minimize litigation, establish clear legal standards, and reduce burden.

Executive Order 13175

The Department of State 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 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.

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); 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; Sec. 7089, Pub. L. 111–117; Pub. L. 111–266; Sections 7045 and 7046, Pub. L. 112–74; E.O. 13637, 78 FR 16129.

■ 2. Section 126.1 is amended by revising paragraph (u)(1) to read as follows:

§ 126.1 Prohibited exports, imports, and sales to or from certain countries.

* * * * *

(u) * * *

(1) Defense articles intended solely for the support of or use by the International Support Mission to the Central African Republic (MISCA); the UN Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA); the African Union Regional Task Force (AU–RTF); and the French forces and European Union operation deployed in the Central African Republic;

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Rose E. Gottemoeller,

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

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