

**List of Subjects****22 CFR 120 and 125**

Arms and munitions, Classified information, Exports.

**22 CFR 126**

Arms and munitions, Exports.

**22 CFR 130**

Arms and munitions, Campaign funds, Confidential business information, Exports, Reporting and recordkeeping requirements.

Accordingly, for the reasons set forth above, the interim final rule that was published at 81 FR 35611 on June 3, 2016, is adopted as a final rule with the following changes:

**PART 120—PURPOSE AND DEFINITIONS**

- 1. The authority citation for part 120 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. 2794; 22 U.S.C. 2651a; Pub. L. 105–261, 112 Stat. 1920; Pub. L. 111–266; Section 1261, Pub. L. 112–239; E.O. 13637, 78 FR 16129.

- 2. Section 120.19 is amended by revising paragraph (a) introductory text to read as follows:

**§ 120.19 Reexport.**

(a) *Reexport*, except as set forth in § 126.16 or § 126.17, means:

\* \* \* \* \*

- 3. Section 120.51 is revised to read as follows:

**§ 120.51 Retransfer.**

(a) *Retransfer*, except as set forth in § 126.16 or § 126.17, means:

- (1) A change in end use or end user, or a temporary transfer to a third party, of a defense article within the same foreign country; or
  - (2) A release of technical data to a foreign person who is a citizen or permanent resident of the country where the release or transfer takes place.
- (b) [Reserved]

**PART 125—LICENSES FOR THE EXPORT OF TECHNICAL DATA AND CLASSIFIED DEFENSE ARTICLES**

- 4. The authority citation for part 125 continues to read as follows:

**Authority:** Secs. 2 and 38, 90–629, 90 Stat. 744 (22 U.S.C. 2752, 2778); 22 U.S.C. 2651a; E.O. 13637, 78 FR 16129.

- 5. Section 125.1 is amended by adding paragraph (f) to read as follows:

**§ 125.1 Exports subject to this part.**

\* \* \* \* \*

(f) Unless limited by a condition set out in an agreement, the export, reexport, retransfer, or temporary import authorized by a license is for the item(s), end-use(s), and parties described in the agreement, license, and any letters of explanation. DDTC approves agreements and grants licenses in reliance on representations the applicant made in or submitted in connection with the agreement, letters of explanation, and other documents submitted.

**PART 126—GENERAL POLICIES AND PROVISIONS**

- 6. 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.

- 7. Section 126.16 is amended by revising paragraph (a)(1)(iii) to read as follows:

**§ 126.16 Exemption pursuant to the Defense Trade Cooperation Treaty between the United States and Australia.**

(a) \* \* \*

(1) \* \* \*

(iii) *Reexport and retransfer.* (A)

Reexport means, for purposes of this section only, the movement of previously Exported Defense Articles by a member of the Australian Community from the Approved Community to a location outside the Territory of Australia.

(B) Retransfer means, for purposes of this section only, the movement of previously Exported Defense Articles by a member of the Australian Community from the Approved Community to a location within the Territory of Australia;

\* \* \* \* \*

- 8. Section 126.17 is amended by revising paragraph (a)(1)(iii) to read as follows:

**§ 126.17 Exemption pursuant to the Defense Trade Cooperation Treaty between the United States and United Kingdom.**

(a) \* \* \*

(1) \* \* \*

(iii) *Reexport and retransfer.* (A)

Reexport means, for purposes of this section only, movement of previously Exported Defense Articles by a member of the United Kingdom Community from the Approved Community to a location outside the Territory of the United Kingdom.

(B) Retransfer means, for purposes of this section only, the movement of

previously Exported Defense Articles by a member of the United Kingdom Community from the Approved Community to a location within the Territory of the United Kingdom.

\* \* \* \* \*

- 9. Section 126.18 is amended by revising paragraph (d)(1) to read as follows:

**§ 126.18 Exemptions regarding intra-company, intra-organization, and intra-governmental transfers to employees who are dual nationals or third-country nationals.**

\* \* \* \* \*

(d) \* \* \*

(1) Regular employees of the foreign business entity, foreign governmental entity, or international organization;

\* \* \* \* \*

**PART 130—POLITICAL CONTRIBUTIONS, FEES AND COMMISSIONS**

- 10. The authority citation for part 130 continues to read as follows:

**Authority:** Sec. 39, Pub. L. 94–329, 90 Stat. 767 (22 U.S.C. 2779); 22 U.S.C. 2651a; E.O. 13637, 78 FR 16129.

- 11. Section 130.2 is revised to read as follows:

**§ 130.2 Applicant.**

*Applicant* means any person who applies to the Directorate of Defense Trade Controls for any license or approval required under this subchapter for the export, reexport, or retransfer of defense articles or defense services valued in an amount of \$500,000 or more which are being sold commercially to or for the use of the armed forces of a foreign country or international organization. This term also includes a person to whom the required license or approval has been given.

**Rose E. Gottemoeller,**

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

[FR Doc. 2016–21481 Filed 9–7–16; 8:45 am]

BILLING CODE 4710–25–P

**DEPARTMENT OF DEFENSE****Department of the Navy****32 CFR Part 706****Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972**

**AGENCY:** Department of the Navy, DoD.

**ACTION:** Final rule.

**SUMMARY:** The Department of the Navy (DoN) is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Deputy Assistant Judge Advocate General (DAJAG) (Admiralty and Maritime Law) has determined that USS JOHN FINN (DDG 113) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with certain provisions of the 72 COLREGS without interfering with its special function as a naval ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

**DATES:** This rule is effective September 8, 2016 and is applicable beginning August 10, 2016.

**FOR FURTHER INFORMATION CONTACT:** Commander Theron R. Korsak, JAGC, U.S. Navy, Admiralty Attorney, (Admiralty and Maritime Law), Office of the Judge Advocate General, Department of the Navy, 1322 Patterson Ave. SE., Suite 3000, Washington Navy Yard, DC 20374-5066, telephone number: 202-685-5040.

**SUPPLEMENTARY INFORMATION:** Pursuant to the authority granted in 33 U.S.C. 1605, the DoN amends 32 CFR part 706.

This amendment provides notice that the DAJAG (Admiralty and Maritime Law), under authority delegated by the

Secretary of the Navy, has certified that USS JOHN FINN (DDG 113) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with the following specific provisions of 72 COLREGS without interfering with its special function as a naval ship: Annex I, paragraph 2(f)(ii), pertaining to the placement of task lights; Annex I, paragraph 3(a), pertaining to the location of the forward masthead light in the forward quarter of the ship, and the horizontal distance between the forward and after masthead lights; and Annex I, paragraph 3(c), pertaining to placement of task lights not less than two meters from the fore and aft centerline of the ship in the athwartship direction. The DAJAG (Admiralty and Maritime Law) has also certified that the lights involved are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

#### List of Subjects in 32 CFR Part 706

Marine safety, Navigation (water), and Vessels.

For the reasons set forth in the preamble, amend part 706 of title 32 of the CFR as follows:

#### PART 706—CERTIFICATIONS AND EXEMPTIONS UNDER THE INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 1972

■ 1. The authority citation for part 706 continues to read as follows:

**Authority:** 33 U.S.C. 1605.

■ 2. Section 706.2 is amended as follows:

■ a. In Table Four, Paragraph 15 by adding, in alpha numerical order, by vessel number, an entry for USS JOHN FINN (DDG 113);

■ b. In Table Five, by adding, in alpha numerical order, by vessel number, an entry for USS JOHN FINN (DDG 113):

#### § 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.

\* \* \* \* \*

Table Four

\* \* \* \* \*  
15. \* \* \*

Vessel	Number	Horizontal distance from the fore and aft centerline of the vessel in the athwartship direction
USS JOHN FINN .....	DDG 113 .....	1.90 meters
* .....	* .....	*

\* \* \* \* \*

TABLE FIVE

Vessel	Number	Masthead lights not over all other lights and obstructions. Annex I, sec. 2(f)	Forward masthead light not in forward quarter of ship. Annex I, sec. 3(a)	After masthead light less than 1/2 ship's length aft of forward masthead light. Annex I, sec. 3(a)	Percentage horizontal separation attained
USS JOHN FINN .....	DDG 113 .....	.....	X	X	14.5
* .....	* .....	*	*	*	*

Approved: August 10, 2016.

**C.J. Spain,**

*Deputy Assistant Judge Advocate General  
(Admiralty and Maritime Law), Acting.*

Dated: August 31, 2016

**C. Pan,**

*Lieutenant, Judge Advocate General's Corps,  
U.S. Navy, Alternate Federal Register Liaison  
Officer.*

[FR Doc. 2016-21598 Filed 9-7-16; 8:45 am]

**BILLING CODE 3810-FF-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2016-0798]

#### Safety Zones; Fireworks Events in Captain of the Port New York Zone

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of enforcement of regulation.

**SUMMARY:** The Coast Guard will enforce various safety zones within the Captain of the Port New York Zone on the specified dates and times. This action is necessary to ensure the safety of vessels and spectators from hazards associated with fireworks displays. During the enforcement period, no person or vessel

may enter the safety zones without permission of the Captain of the Port (COTP).

**DATES:** The regulation for the safety zones described in 33 CFR 165.160 will be enforced on the dates and times listed in the table in **SUPPLEMENTARY INFORMATION**.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this notice, call or email Petty Officer First Class Ronald Sampert U.S. Coast Guard; telephone 718-354-4154, email [ronald.j.sampert@uscg.mil](mailto:ronald.j.sampert@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce the safety zones listed in 33 CFR 165.160 on the specified dates and times as indicated in Table 1 below. This regulation was published in the **Federal Register** on November 9, 2011 (76 FR 69614).

TABLE 1

Rose Event, Pier D, Hudson River Safety Zone, 33 CFR 165.160(5.7)	Launch site: A barge located in approximate position 40°42'57.5" N., 074°01'34" W., (NAD 1983), approximately 375 yards southeast of Pier D, Jersey City, New Jersey. This Safety Zone is a 360-yard radius from the barge. • Date: September 10, 2016. • Time: 7 p.m.–9 p.m.
2. Pop Event Planning, Ellis Island Safety Zone., 33 CFR 165.160(2.2)	• Launch site: A barge located between Federal Anchorages 20-A and 20-B, in approximate position 40°41'45" N., 074°02'09" W., (NAD 1983) about 365 yards east of Ellis Island. This Safety Zone is a 360-yard radius from the barge. • Date: September 15, 2016. • Time: 8:45 p.m.–10 p.m.
3. Save the Date, Ellis Island Safety Zone, 33 CFR 165.160(2.2) .....	• Launch site: A barge located between Federal Anchorages 20-A and 20-B, in approximate position 40°41'45" N., 074°02'09" W., (NAD 1983) about 365 yards east of Ellis Island. This Safety Zone is a 360-yard radius from the barge. • Date: October 27, 2016. • Time: 8:30 p.m.–10 p.m.

Under the provisions of 33 CFR 165.160, vessels may not enter the safety zones unless given permission from the COTP or a designated representative. Spectator vessels may transit outside the safety zones but may not anchor, block, loiter in, or impede the transit of other vessels. The Coast Guard may be assisted by other Federal, State, or local law enforcement agencies in enforcing this regulation.

This notice is issued under authority of 33 CFR 165.160(a) and 5 U.S.C. 552(a). In addition to this notice in the **Federal Register**, the Coast Guard will provide mariners with advanced notification of enforcement periods via the Local Notice to Mariners and marine information broadcasts.

If the COTP determines that a safety zone need not be enforced for the full duration stated in this notice, a Broadcast Notice to Mariners may be

used to grant general permission to enter the safety zone.

Dated: August 18, 2016.

**M.H. Day,**

*Captain, U.S. Coast Guard, Captain of the Port New York.*

[FR Doc. 2016-21503 Filed 9-7-16; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 216

[Docket No. 160413333-6721-01]

**RIN 0648-BF98**

#### Approach Regulations for Humpback Whales in Waters Surrounding the Islands of Hawaii Under the Marine Mammal Protection Act

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

**ACTION:** Interim final rule; notice of availability of Environmental Assessment.

**SUMMARY:** We, NMFS, are issuing regulations under the Marine Mammal