

containing items that require a license to Country Group D:3 destinations for CB reasons, to include a reference to medical products controlled by ECCN 1C991.d. A reference to these medical products was inadvertently omitted in previous rulemakings. ECCN 1C991.d controls medical products containing biological toxins controlled by ECCN 1C351.d.2 through .d.19, except biological toxins controlled for CW reasons under 1C351.d.5 or .d.6.

This rule also revises § 742.2(a)(3) of the EAR and ECCNs 2E001 and 2E002 to clarify the control status of technology for valves described in ECCN 2A226 or 2A292 that also possess the characteristics of valves described in ECCN 2B350.g. The control status of the valves, themselves, was first clarified in a final rule published by BIS on August 29, 2002 (67 FR 55594) and is further clarified in this rule (*see* the changes to the heading of ECCN 2B350, as described in part D, Background, in the **SUPPLEMENTARY INFORMATION** section of this rule). First, this rule revises § 742.2(a)(3) to clarify that “development” and “production” technology for valves controlled by ECCN 2A226 or 2A292 for CB reasons (*i.e.*, valves in 2A226 or 2A292 that also possess the characteristics of valves described in ECCN 2B350.g) is controlled under ECCNs 2E001 (“development” technology) and 2E002 (“production” technology) and requires a license to Country Group D:3 destinations for CB reasons—note that this technology also requires a license to certain destinations for NP and AT reasons. *Second*, this rule revises § 742.2(a)(3) to indicate that “use” technology for valves controlled by ECCN 2A226 or 2A292 for CB reasons is controlled under ECCNs 2E201 and 2E290, respectively, and requires a license to Country Group D:3 destinations for CB reasons—note that this technology also requires a license to certain destinations for NP and AT reasons. *Third*, this rule revises the License Requirements sections of ECCNs 2E001 and 2E002 on the CCL to indicate that CB controls apply to technology in these ECCNs for the “development” or “production,” respectively, of valves controlled for CB reasons under ECCN 2A226 or 2A292.

#### *F. Clarifications to ECCNs 1C351 and 1C991*

This rule revises the heading of ECCN 1C351 to clarify that this entry controls certain zoonotic pathogens and toxins that are the causative organisms for a number of zoonoses (*i.e.*, diseases of animals that may be transmitted to humans under natural conditions). In

addition, this rule revises ECCN 1C991.d to clarify that it does not control medical products containing botulinum toxins described in ECCN 1C351.d.1. Medical products containing 1C351.d.1 toxins are controlled by 1C991.c for anti-terrorism (AT) reasons only, while the medical products in 1C991.d are controlled for both CB and AT reasons.

#### *G. Changes to the EAR Based on the Addition of New States Parties to the Chemical Weapons Convention (CWC)*

This rule revises Supplement No. 2 to part 745 of the EAR (titled “States Parties to the Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on Their Destruction”) by adding the names of six countries that have recently become States Parties to the CWC (*i.e.*, Andorra, Guatemala, Palau, Saint Vincent and the Grenadines, Samoa, and Thailand).

#### **Savings Clause**

Shipments of items removed from license exception eligibility or NLR authorization as a result of this regulatory action that were on dock for loading, on lighter, laden aboard an exporting carrier, or en route aboard a carrier to a port of export, on June 10, 2003, pursuant to actual orders for export to a foreign destination, may proceed to that destination under the previous license exception eligibility or NLR authorization provisions so long as they have been exported from the United States before July 10, 2003. Any such items not actually exported before midnight, on July 10, 2003, require a license in accordance with this regulation.

#### *Rulemaking Requirements*

1. This 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, unless that collection of information displays a currently valid OMB Control Number. This rule contains collections of information subject to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). These collections have been approved by the Office of Management and Budget under Control Numbers 0694–0088 and 0694–0117.

3. This rule does not contain policies with Federalism implications as that

term is defined in Executive Order 13132.

4. The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a military and foreign affairs function of the United States (Sec. 5 U.S.C. 553(a)(1)). 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 5 U.S.C. 553 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. Comments should be submitted to Willard Fisher, Regulatory Policy Division, Bureau of Industry and Security, U.S. Department of Commerce, Room 2705, 14th Street and Pennsylvania Avenue, NW., Washington, DC 20230.

#### **List of Subjects**

##### *15 CFR Part 742*

Exports, Foreign trade.

##### *15 CFR Part 745*

Administrative practice and procedure, Chemicals, Exports, Foreign trade, Reporting and recordkeeping requirements.

##### *15 CFR Part 774*

Exports, Foreign trade, Reporting and recordkeeping requirements.

■ Accordingly, parts 742, 745, and 774 of the Export Administration Regulations (15 CFR parts 730–799) are amended as follows:

#### **PART 742—[AMENDED]**

■ 1. The authority citation for 15 CFR part 742 continues to read as follows:

**Authority:** 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 18 U.S.C. 2510 *et seq.*; 22 U.S.C. 3201 *et seq.*; 42 U.S.C. 2139a; sec. 901–911, Pub. L. 106–387; sec. 221, Pub. L. 107–56; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; 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 November 9, 2001, 66 FR 56965, 3 CFR, 2001 Comp., p. 917; notice of August 14, 2002, 67 FR 53721, August 16, 2002.