

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 USC 601 *et seq.*) are not applicable.

#### List of Subjects

15 CFR Parts 732, 740, 750, 752, and 758

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

#### 15 CFR Part 744

Exports, Foreign trade, Reporting and Recordkeeping requirements.

#### 15 CFR Part 754

Exports, Foreign trade, Forests and forest products, Petroleum, Reporting and recordkeeping requirements.

#### 15 CFR Parts 770 and 772

Exports, foreign trade.

■ Accordingly, parts 732, 740, 744, 750, 752, 754, 758, 770, and 772 of the Export Administration Regulations (15 CFR parts 730–799) are amended as follows:

#### PART 732—[AMENDED]

■ 1. The authority citation for part 732 is revised to read as follows:

**Authority:** 50 USC app. 2401 *et seq.*; 50 USC 1701 *et seq.*; 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 7, 2003, 66 FR 47833, August 11, 2003.

■ 2. Section 732.3 is amended by revising the second sentence of paragraph (n)(1) to read as follows:

#### § 732.3 Steps regarding the ten general prohibitions.

\* \* \* \* \*

(n) \* \* \*

(1) \* \* \* You should skip the Steps in § 732.4 of this part regarding License Exceptions and proceed directly to the Steps in § 732.5 of this part regarding recordkeeping, clearing the Bureau of Customs and Border Protection with the appropriate Shipper's Export Declaration or Automated Export System record, and using the required Destination Control Statement.

\* \* \* \* \*

■ 3. Section 732.5 is amended by revising the heading to read as follows:

#### § 732.5 Steps regarding Shipper's Export Declaration or Automated Export System record, Destination Control Statements, and recordkeeping.

\* \* \* \* \*

#### PART 740—[AMENDED]

■ 4. The authority citation for part 740 is revised to read as follows:

**Authority:** 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; Sec. 901–911, Pub. L. 106–387; 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 7, 2003, 66 FR 47833, August 11, 2003.

■ 5. Section 740.1 is amended by revising the heading and the third sentence of paragraph (d) to read as follows:

#### § 740.1 Introduction.

\* \* \* \* \*

(d) *Shippers Export Declaration or Automated Export System Record.*

\* \* \* See § 758.1 of the EAR for Shipper's Export Declaration or Automated Export System (AES) requirements.

\* \* \* \* \*

■ 6. Section 740.13 is amended by revising footnote number one to paragraph (d)(1) to read as follows:

#### § 740.13 Technology and software—unrestricted (TSU).

\* \* \* \* \*

(d) \* \* \*

<sup>1</sup> “Mass market” software may fall under the classification of “general use” software for export clearance purposes. Exporters should consult the Census Bureau FTSR for possible SED or AES requirements.

■ 7. Section 740.15 is amended by revising paragraphs (c)(1)(iv) and (c)(2)(iv) to read as follows:

#### § 740.15 Aircraft and vessels (AVS).

\* \* \* \* \*

(c) \* \* \*

(1) \* \* \*

(iv) Shipped as cargo for which a Shipper's Export Declaration (SED) or Automated Export System (AES) record is filed in accordance with the requirements of the Foreign Trade Statistics Regulations (15 CFR part 30), except that an SED or AES record is not required when any of the commodities, other than fuel, is exported by U.S. airlines to their own aircraft abroad for their own use.

(2) \* \* \*

(iv) Shipped as cargo for which a Shipper's Export Declaration (SED) or Automated Export System (AES) record is filed in accordance with the requirements of the Foreign Trade Statistics Regulations (15 CFR part 30), except that an SED or AES record is not required when any of these commodities is exported by U.S. airlines to their own installations and agents

abroad for use in their aircraft operations.

\* \* \* \* \*

#### PART 744—[AMENDED]

■ 8. The authority citation for part 744 is revised to read as follows:

**Authority:** 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *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. 12947, 60 FR 5079, 3 CFR, 1995 Comp., p. 356; 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; Notice of November 9, 2001, 66 FR 56965, 3 CFR, 2001 Comp., p. 917; Notice of August 7, 2003, 66 FR 47833, August 11, 2003.

■ 9. Section 744.7 is amended by revising paragraphs (b)(1)(iv) and (b)(2)(iv) to read as follows:

#### § 744.7 Restrictions on certain exports to and for the use of certain foreign vessels or aircraft.

\* \* \* \* \*

(b) \* \* \*

(1) \* \* \*

(iv) Shipped as cargo for which a Shipper's Export Declaration (SED) or Automated Export System (AES) record is filed in accordance with the requirements of the Foreign Trade Statistics Regulations (15 CFR part 30), except that an SED or AES record is not required when any of the commodities, other than fuel, is exported by U.S. airlines to their own aircraft abroad for their own use.

(2) \* \* \*

(iv) Shipped as cargo for which a Shipper's Export Declaration (SED) or Automated Export System (AES) record is filed in accordance with the requirements of the Foreign Trade Statistics Regulations (15 CFR part 30), except that an SED or AES record is not required when any of these commodities is exported by U.S. airlines to their own installations and agents abroad for use in their aircraft operations.

\* \* \* \* \*

#### PART 750—[AMENDED]

■ 10. The authority citation for part 750 is revised to read as follows:

**Authority:** 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 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 7, 2003, 66 FR 47833, August 11, 2003.