

information displays a currently valid Office of Management and Budget Control Number. This rule involves a collection of information subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). This collection has been approved by the Office of Management and Budget under control number 0694-0088, "Multi-Purpose Application," which carries a burden hour estimate of 45 minutes for a manual submission and 40 minutes for an electronic submission.

3. This rule does not contain policies with Federalism implications as that term is defined under E.O. 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 (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 interim rule. Because a notice of proposed rulemaking and an opportunity for public comment are 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 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 Matthew Blaskovich, Office of Exporter Services, Bureau of Industry and Security, Department of Commerce, PO Box 273, Washington, DC 20044.

## List of Subjects

### 15 CFR Parts 772 and 774

Exports, Foreign trade.

■ Accordingly, parts 772 and 774 of the Export Administration Regulations (15 CFR parts 730-799) are amended as follows:

## PART 772—[AMENDED]

■ 1. The authority citations for 15 CFR part 772 is revised to read as follows:

**Authority:** 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 7, 2003, 68 FR 47833, August 11, 2003.

■ 2. Section 772.1 is amended by adding definitions for "Payload" and "Range" (MTCR) in alphabetical order as follows:

## § 772.1 Definitions of terms as used in the Export Administration Regulations (EAR).

\* \* \* \* \*

"Payload" (MTCR). The total mass that can be carried or delivered by the specified rocket system or unmanned aerial vehicle (UAV) system that is not used to maintain flight.

**Note:** The particular equipment, subsystems, or components to be included in the payload depends on the type and configuration of the vehicle under consideration.

### Technical Notes:

- a. Ballistic Missiles
  1. "Payload" for systems with separating re-entry vehicles (RVs) includes:
    - i. The RVs, including:
      - A. Dedicated guidance, navigation, and control equipment;
      - B. Dedicated countermeasures equipment;
    - ii. Munitions of any type (e.g., explosive or non-explosive);
    - iii. Supporting structures and deployment mechanisms for the munitions (e.g. hardware used to attach to, or separate the RV from, the bus/post-boost vehicle) that can be removed without violating the structural integrity of the vehicle;
    - iv. Mechanisms and devices for safing, arming, fuzing, or firing;
    - v. Any other countermeasures equipment (e.g., decoys, jammers, or chaff dispensers) that separate from the RV bus/post-boost vehicle;
    - vi. The bus/post-boost vehicle or attitude control/velocity trim module not including systems/subsystems essential to the operation of other stages.
  2. "Payload" for systems with non-separating re-entry vehicles includes:
    - i. Munitions of any type (e.g., explosive or non-explosive);
    - ii. Supporting structures and deployment mechanisms for the munitions that can be removed without violating the structural integrity of the vehicle;
    - iii. Mechanisms and devices for safing, arming, fuzing or firing;
    - iv. Any countermeasures equipment (e.g., decoys, jammers, or chaff dispensers) that can be removed without violating the structural integrity of the vehicle.
  - b. Space Launch Vehicles—"Payload" includes:

1. Satellites (single or multiple);
2. Satellite-to-launch vehicle adapters including, if applicable, apogee/perigee kick motors or similar maneuvering systems;
- c. Sounding Rockets—"Payload" includes:
  1. Equipment required for a mission, such as data gathering, recording or transmitting devices for mission-specific data;
  2. Recovery equipment (e.g., parachutes) that can be removed without violating the structural integrity of the vehicle.
  - d. Cruise Missiles—"Payload" includes:
    1. Munitions of any type (e.g., explosive or non-explosive);
    2. Supporting structures and mechanisms for the munitions that can be removed without violating the structural integrity of the vehicle;

3. Mechanisms and devices for safing, arming, fuzing or firing;

4. Countermeasures equipment (e.g., decoys, jammers or chaff dispensers) that can be removed without violating the structural integrity of the vehicle;

5. Signature alteration equipment that can be removed without violating the structural integrity of the vehicle;

e. Other UAVs—"Payload" includes:

1. Munitions of any type (e.g., explosive or non-explosive);
2. Mechanisms and devices for safing, arming, fuzing or firing;
3. Countermeasures equipment (e.g., decoys, jammers or chaff dispensers) that can be removed without violating the structural integrity of the vehicle;
4. Signature alteration equipment that can be removed without violating the structural integrity of the vehicle;
5. Equipment required for a mission such as data gathering, recording or transmitting devices for mission-specific data;
6. Recovery equipment (e.g., parachutes) that can be removed without violating the structural integrity of the vehicle.

\* \* \* \* \*

"Range" (MTCR). The maximum distance that the specified rocket system or unmanned aerial vehicle (UAV) system is capable of traveling in the mode of stable flight as measured by the projection of its trajectory over the surface of the Earth.

### Technical Notes:

- a. The maximum capability based on the design characteristics of the system, when fully loaded with fuel or propellant, will be taken into consideration in determining range.
- b. The range for both rocket systems and UAV systems will be determined independently of any external factors such as operational restrictions, limitations imposed by telemetry, data links or other external constraints.
- c. For rocket systems, the range will be determined using the trajectory that maximizes range, assuming ICAO standard atmosphere with zero wind.
- d. For UAV systems, the range will be determined for a one-way distance using the most fuel-efficient flight profile (e.g., cruise speed and altitude), assuming ICAO standard atmosphere with zero wind.

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## PART 774—[AMENDED]

■ 3. The authority citation for 15 CFR part 774 is revised 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); 18 U.S.C. 2510 *et seq.*; 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; 46 U.S.C. app. 466c; 50 U.S.C. app. 5; Sec. 901-911, Pub. L. 106-387; Sec. 221, Pub. L. 107-56; 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, 68 FR 47833, August 11, 2003.