availability of this material at the FAA, call
(816) 320-4148.
(4) You may also review copies of the service information that is incorporated by
reference at the National Archives and
Records Administration (NARA). For
information on the availability of this
material at an NARA facility, call 202–741–
6030, or go to http://www.archives.gov/
federal_register/code_of_federal_regulations/
ibr_locations.html.

Issued in Kansas City, Missouri, on June
21, 2012.

James E. Jackson,
Acting Manager, Small Airplane Directorate,
Aircraft Certification Service.

[FR Doc. 2012–15752 Filed 6–29–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE
Bureau of Industry and Security
15 CFR Part 774
[Docket No. 120112039–2176–03]
RIN 0694–AF45

Implementation of the Understandings
Reached at the 2011 Australia Group
(AG) Plenary Meeting and Other AG–
Related Clarifications to the EAR

AGENCY: Bureau of Industry and
Security, Commerce.

ACTION: Final rule.

SUMMARY: The Bureau of Industry and
Security (BIS) publishes this final rule to
amend the Export Administration
Regulations (EAR) to implement the
understandings reached at the June 2011
plenary meeting of the Australia Group
(AG). This rule amends the Commerce
Control List (CCL) entry in the EAR that
controls human and zoonotic pathogens
and “toxins” and the entry that controls
genetic elements and genetically
modified organisms to reflect changes to
the AG “List of Biological Agents for
Export Control” that were made based on
the understandings adopted at the
June 2011 AG plenary meeting. In
addition, this rule amends the CCL
entries in the EAR that control chemical
manufacturing facilities and equipment,
and equipment capable of use in
handling biological materials to reflect
the June 2011 AG plenary changes to the
“Control List of Dual–Use Chemical
Manufacturing Facilities and Equipment
and Related Technology and Software”
and the “Control List of Dual–Use
Biological Equipment and Related
Technology and Software,” respectively.

DATES: This rule is effective July 2,
2012.

ADDRESSES: Send comments regarding
this collection of information, including
suggestions for reducing the burden, to
Jasmeet Seehra, Office of Management
and Budget (OMB), by email to
Jasmeet_K_Seehra@omb.eop.gov, or by
tax to (202) 395–7285; and to the
Regulatory Policy Division, Bureau of
Industry and Security, Department of
Commerce, 14th Street & Pennsylvania
Avenue NW., Room 2705, Washington,
DC 20230.

FOR FURTHER INFORMATION CONTACT:
Elizabeth Sangine, Director, Chemical
and Biological Controls Division, Office
of Nonproliferation and Treaty
Compliance, Bureau of Industry and

SUPPLEMENTARY INFORMATION:

Background

The Bureau of Industry and Security
(BIS) is amending the Export
Administration Regulations (EAR) to
implement the understandings reached
at the June 2011 plenary meeting of the
Australia Group (AG). The AG is a
multilateral forum consisting of 40
participating countries that maintain
export controls on a list of chemicals,
biological agents, and related equipment
and technology that could be used in a
chemical or biological weapons
program. The AG periodically reviews
items on its control list to enhance the
effectiveness of participating
governments’ national controls and to
achieve greater harmonization among
those controls.

The June 2011 AG plenary meeting
adopted understandings that affected the
AG “List of Biological Agents for
Export Control,” the AG “Control List of
Dual–Use Chemical Manufacturing
Facilities and Equipment and Related
Technology and Software” and the AG
“Control List of Dual–Use Biological
Equipment and Related Technology and
Software.”

This rule amends Export Control
Classification Numbers (ECCNs) 1C351
and 1C353 to reflect the AG changes to
the “List of Biological Agents for Export
Control.” Specifically, ECCN 1C351
(Human and zoonotic pathogens and
“toxins”) is amended by removing and
reserving paragraph .b (Rickettsiae),
since these organisms are more
appropriately identified as bacteria.
Coxiella burnetii and Rickettsia
 prowasecki (a.k.a. Rickettsia
 prowazekii), which were previously
controlled under ECCN 1C351.b.2 and
.b.3, respectively, are now controlled as
bacteria under ECCN 1C351.c.10 and
.c.13, respectively. Bartonella Quintana
(Rochalimaea Quintana, Rickettsia
 Quintana) and Rickettsia rickettsii,
which were previously controlled under
ECCN 1C351.b.1 and b.4, respectively,
are removed from ECCN 1C351, since
they are no longer included on the AG
“List of Biological Agents.”

ECCN 1C353 (Genetic elements and
genetically modified organisms) is
amended by revising Technical Note 1
and adding a new Technical Note 4 to
clarify that this ECCN controls certain
de novo chemically synthesized genetic
material and artificially-produced
organisms. Specifically, Technical Note
1 to ECCN 1C353 is revised to indicate
that “genetic elements” also include
chromosomes, genomes, plasmids,
transposons, and vectors that have been
“chemically synthesized in whole or in
part.” New Technical Note 4 to ECCN
1C353 indicates that “genetically
modified organisms” include
organisms in which the genetic
material (nucleic acid sequences) has
been altered in a way that does not
doccur naturally by mating and/or
natural recombination, and
encompasses those produced artificially
in whole or in part.

This rule also amends ECCN 2B350
(Chemical manufacturing facilities and
equipment) by adding a new Technical
Note 3, at the end of the entry, to clarify
that materials used for gaskeis, packing,
seals, screws or washers, or other
materials performing a sealing function,
do not determine the control status of
the items listed in ECCN 2B350,
provided that such components are
designed to be interchangeable.

In addition, this rule amends ECCN
2B352 (Equipment capable of use in
handling biological materials) by
revising the introductory text of
paragraph .d.1 to remove the phrase
“without propagation of aerosols.”
Participating countries at the 2011 AG
plenary agreed that this phrase was
redundant, as it applied to cross
(tangential) flow filtration equipment
capable of separation of pathogenic
microorganisms, viruses, toxins or cell
cultures.

Finally, this rule amends ECCNs
2B350 and 2B352 to clarify certain
control parameters for pumps (i.e.,
multiple-seal and seal-less pumps and
vacuum pumps) and steam sterilizable
freeze-drying (lyophilization)
equipment, respectively. Specifically,
ECCN 2B350.i is amended by adding
two parenthetical phrases in the
introductory text to specify the
maximum flow-rate of such pumps in
liters of water per hour, as follows:
“multiple-seal and seal-less pumps with
manufacturer’s specified maximum
flow-rate greater than 0.6 m3/hour (600
liters/hour), or vacuum pumps with
manufacturer’s specified maximum
flow-rate greater than 5 m3/hour (5,000
liters/hour).” ECCN 2B352.e is amended
by adding two parenthetical phrases that specify the condenser capacity of such equipment in liters of water per 24 hours, as follows: “10 kgs of ice or greater in 24 hours (10 liters of water or greater in 24 hours), but less than 1,000 kgs of ice in 24 hours (less than 1,000 liters of water in 24 hours).” These changes are being made by BIS in order to indicate these AG control parameters in units of measure that are more commonly used in the United States.

None of the changes made by this rule increase the scope of the controls in ECCNs 1C351, 1C353, 2B330 and 2B352. Except for the removal of Bartonella Quintana and Rickettsia rickettsii from ECCN 1C351, the items that are controlled under these ECCNs remain the same.


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, distributive 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 rule has been designated a “significant regulatory action” although not economically significant, under section 3(f) of Executive Order 12866. Accordingly, the rule has been reviewed by the Office of Management and Budget.

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 contains a collection of information subject to the requirements of the PRA. This collection has been approved by OMB under Control Number 0694–0088 (Multi-Copy Application), which carries a burden hour estimate of 58 minutes to prepare and submit form BIS–748. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Jasmeet Seehra, Office of Management and Budget (OMB), and to the Regulatory Policy Division, Bureau of Industry and Security, Department of Commerce, as indicated in the ADDRESS section of this rule.

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 (See 5 U.S.C. 553(a)(1)). Immediate implementation of these amendments is non-discretionary and fulfills the United States’ international obligation to the Australia Group (AG). The AG contributes to international security and regional stability through the harmonization of export controls and seeks to ensure that exports do not contribute to the development of chemical and biological weapons. The AG consists of 40 member countries that act on a consensus basis and the amendments set forth in this rule implement the understandings reached at the June 2011 AG plenary meeting and other changes that are necessary to ensure consistency with the controls maintained by the AG. Since the United States is a significant exporter of the items in this rule, immediate implementation of this provision is necessary for the AG to achieve its purpose. Any delay in implementation will create a disruption in the movement of affected items globally because of disharmony between export control measures implemented by AG members, resulting in tension between member countries. Export controls work best when all countries implement the same export controls in a timely and coordinated manner.

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 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.

List of Subjects in 15 CFR Part 774

Exports, Foreign trade, 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 15 CFR part 774 continues to read as follows:


2. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 1, ECCN 1C351 is amended under the “Items” paragraph in the List of Items Controlled section by removing and reserving paragraph b. and by revising paragraph c. to read as follows:

Supplement No. 1 to Part 774—the Commerce Control List

* * * * *

1C351 Human and zoonotic pathogens and “toxins”, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

b. [Reserved]
c. Bacteria, as follows:
   c.1. Bacillus anthracis;
   c.2. Brucella abortus;
   c.3. Brucella melitensis;
   c.4. Brucella suis;
   c.5. Burkholderia mallei (Pseudomonas mallei);
   c.6. Burkholderia pseudomallei (Pseudomonas pseudomallei);
   c.7. Chlamydiophila psittaci (formerly known as Chlamydia psittaci);
   c.8. Clostridium botulinum;
   c.9. Clostridium perfringens, epsilon toxin producing (types);
c.10. Coxiella burnetti;
c.11. Enterohemorrhagic Escherichia coli, serotype O157 and other verotoxin producing serotypes;
c.12. Franciscella tularensis;
c.13. Rickettsia prowasecki (a.k.a. Rickettsia prowazekii);
c.14. Salmonella typhi;
c.15. Shigella dysenteriae;
c.16. Vibrio cholerae; or
   c.17. Yersinia pestis.

* * * * *

3. In Supplement No. 1 to Part 774 (the Commerce Control List, Category 1,
ECCN 1C353 is amended under the “Items” paragraph in the List of Items Controlled section by revising Technical Note 1 and by adding a new Technical Note 4 in numerical order, to read as follows:

1C353 Genetic elements and genetically modified organisms, as follows (see List of Items Controlled).
* * * * *
List of Items Controlled
* * * * *

Items:
* * * * *

Technical Notes: 1. “Genetic elements” include, inter alia, chromosomes, genomes, plasmids, transposons, and vectors, whether genetically modified or unmodified, or chemically synthesized in whole or in part.
* * * * *

4. “Genetically modified organisms” include organisms which genetically modified material (nucleic acid sequences) has been altered in a way that does not occur naturally by mating and/or recombination, and encompasses those produced artificially in whole or in part.

In Supplement No. 1 to Part 774 (the Commerce Control List), Category 2, ECCN 2B350 is amended under the “Items” paragraph in the List of Items Controlled section by revising the introductory text of paragraph i., and by adding a new “Technical Note 3,” in numerical order, to read as follows:

2B350 Chemical manufacturing facilities and equipment, except valves controlled by 2A226 or 2A292, as follows (see List of Items Controlled).
* * * * *
List of Items Controlled
* * * * *

Items:
* * * * *

1. Multiple-seal and seal-less pumps with manufacturer’s specified maximum flow-rate greater than 0.6 m³/hour (600 liters/hour), or vacuum pumps with manufacturer’s specified maximum flow-rate greater than 5 m³/hour (5,000 liters/hour) under standard temperature (273 K (0 °C)) and pressure (101.3 kPa) conditions, and casings (pump bodies), preformed casing liners, impellers, rotors or jet pump nozzles designed for such pumps, in which all surfaces that come into direct contact with the chemical(s) being processed are made from any of the following materials:
* * * * *

Technical Note 3: The materials used for gaskets, packing, seals, screws or washers, or other materials performing a sealing function, do not determine the control status of the items in this ECCN, provided that such components are designed to be interchangeable.

In Supplement No. 1 to Part 774 (the Commerce Control List), Category 2, ECCN 2B352 is amended under the “Items” paragraph in the List of Items Controlled section by revising the introductory text of paragraph d.1 and by revising paragraph e to read as follows:

2B352 Equipment capable of use in handling biological materials, as follows (see List of Items Controlled).
* * * * *
List of Items Controlled
* * * * *

Items:
* * * * *

d. * * *

1. Cross (tangential) flow filtration equipment capable of separation of pathogenic microorganisms, viruses, toxins or cell cultures having all of the following characteristics:
* * * * *
e. Steam sterilizable freeze-drying (lyophilization) equipment with a condenser capacity of 10 kg/sec or greater in 24 hours (10 liters of water or greater in 24 hours), but less than 1,000 kg/sec in 24 hours (less than 1,000 liters of water in 24 hours).
* * * * *

Dated: June 22, 2012.

Kevin J. Wolf
Assistant Secretary for Export Administration.

[FR Doc. 2012-16001 Filed 6-29-12; 8:45 am]
BILLING CODE 3510-33-P

DEPARTMENT OF HOMELAND SECURITY
Coast Guard

33 CFR Part 147
[Docket No. USCII—2011–1143]

RIN 1625-AA00
Safety Zone; KULLUK, Outer Continental Shelf Mobile Offshore Drilling Unit (MODU), Beaufort Sea, AK

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a 500-meter safety zone in the navigable waters, from the surface to seabed, around the MODU KULLUK while anchored or deploying and recovering moorings on location in order to drill exploratory wells at various prospects located in the Beaufort Sea Outer Continental Shelf, Alaska, on or about July 1, 2012, through November 30, 2012. See TABLE 1. The purpose of the temporary safety zone is to protect the MODU from surface and subsurface vessels that are operating outside the normal shipping channels and fairways. Placing a safety zone around the MODU will significantly reduce the threat of allisions that could result in oil spills, and releases of natural gas, and thereby protect the safety of life, property, and the environment. Lawful demonstrations may be conducted outside of the safety zone.

DATES: The temporary safety zone becomes effective on July 1, 2012, and terminates on December 1, 2012, unless sooner terminated by the Commander, Seventeenth Coast Guard District.

ADDRESSES: Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCII—2011–1143 and are available online by going to http://www.regulations.gov, entering USCII–2011–1143 in the “Keyword” box, and then clicking “Search.” This material is also available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email LT Jason Smilie, Seventeenth Coast Guard District (dph), telephone 907–463–2809, Jason.A.Smilie@uscg.mil. If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Regulatory Information

On February 23, 2012, the Coast Guard published a notice of proposed rulemaking (NPRM) entitled “Safety Zone; KULLUK, Outer Continental Shelf Mobile Offshore Drilling Unit (MODU), Beaufort Sea, Alaska” in the Federal Register (77 FR 10711). The NPRM included a 60-day comment period. We received 2 (two) submissions with comments on the proposed rule. No public meeting was requested, and none was held.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the Federal Register. The Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication because to do otherwise would be contrary to the public interest since immediate action is required to protect mariners, vessels, and the