After an airport sponsor receives an FAA letter of consent or approval, it will update the Exhibit A.

Issued in Washington, DC, on December 5, 2023.

Kevin C. Willis,
Director, Office of Airport Compliance and Management Analysis.

FOR FURTHER INFORMATION CONTACT:

Email: RP72@bis.doc.gov.

SUPPLEMENTARY INFORMATION:

Background

Liberalizing Controls for Allies and Partners

Historically, the United States has relied on deep connections with its allies and partners to protect its vital national security and foreign policy interests. In particular, the United States acts in close cooperation with its allies and partners to bring together the international community to address military aggression, threats to sovereignty, and human rights abuses around the world. This is especially true in the context of export controls, in which multilateral and plurilateral control regimes are the most effective path toward accomplishing our national security and foreign policy objectives.

In remarks made at the U.S. State Department on February 4, 2021, regarding America’s place in the world, President Biden noted that America’s alliances are some of our greatest assets and that leading with diplomacy means standing shoulder to shoulder and working closely with our allies and key partners, thereby protecting the world against nefarious actors. At that time, President Biden highlighted the fact that the United States would be “more effective in dealing with Russia when we work in coalition and coordination with other like-minded partners.”

Conistent with this direction, a year later, following Russia’s unjustifiable further invasion of Ukraine and Belarus’s complicity in that invasion, the United States led the formation of and continues to lead alignment within the Global Export Controls Coalition (GECC), now comprising the United States and 38 other global economies. BIS’s export controls on Russia and Belarus have been successful because they have been imposed and maintained in coordination with U.S. allies and partners. At the same time, in addition to the GECC, BIS has forged deeper ally and partner country relationships through a series of bilateral and multilateral export controls dialogues, including under the auspices of the U.S.-European Union Trade and Technology Council (TTC) and the U.S.-Japan Commercial and Industrial Partnership (JUCIP).

The changes made with this rule and two other ally and partner rules published today are part of a broad effort to liberalize controls for allies and partner countries under the EAR (15 CFR parts 730–774). Together, these rules will ease several categories of export licensing requirements and increase the availability of export license exceptions for key allied and partner countries, as well as members of certain multilateral export control regimes.

Overview of Regulatory Changes

As described below, in recognition of key allies’ and partners’ support of our efforts against Russia, along with their leadership in the areas of chemical and biological weapons nonproliferation and the promotion of human rights, BIS is making two sets of amendments to the EAR. First, it is revising the Chemical and Biological Nonproliferation (CBN) controls that apply to certain pathogens and toxins that are destined for members of the Australia Group (AG). Second, it is removing Crime Controls (CC) on seven key allied and partner countries, Austria, Finland, Ireland, Liechtenstein, South Korea, Sweden, and Switzerland. These amendments to the EAR eliminate certain controls on allied and partner countries, as well as on AG member countries, thereby facilitating exports and reexports involving these countries and allowing BIS to apply its resources toward reviewing and monitoring more sensitive exports and higher-risk transactions. These amendments are part of a larger effort announced by BIS today that includes several EAR amendments eliminating certain license requirements and broadening the availability of license exceptions for allied and partner countries, including member countries of international regimes.

Pathogens and Toxins

The AG is the multilateral export control regime responsible for controlling chemical and biological items to ensure that such items do not contribute to chemical and biological weapons proliferation. The AG currently has 43 members, including the United States. All items controlled under ECCNs 1C351, 1C353, 1C354, 1E001, and 1E351 on the Commerce Control List (CCL) (supp. no. 1 to part 774 of the EAR) are controlled multilaterally by the AG, except those items controlled under ECCN 1C351.b.

Prior to this rule, entries for pathogens and toxins controlled under ECCNs 1C351, 1C353, 1C354, and their related technologies controlled under ECCNs 1E001, and 1E351, listed CB Column 1 (CB:1) (see Commerce
Country Chart, supp. no. 1 to part 738) as a reason for control applying to each entry. Pursuant to § 742.2(a)(1) of the EAR, ECCNs with a CB:1 reason for control require a BIS license for export or reexport to all destinations, regardless of AG membership. Separately, the controls on ECCNs referring to CB Column 2 (CB:2) are described in § 742.2(a)(2); items with a CB:2 reason for control require a BIS license for all destinations except AG member countries (see Country Group A:3, supp. no. 1 to part 740).

BIS is amending the EAR in recognition of the fact that each of the AG member countries has an effective export control system capable of regulating dual-use exports in a manner consistent with U.S. national security, foreign policy, and nonproliferation objectives. In particular, all AG members implement AG control agreements under their domestic laws, including by imposing stringent biosafety and biosecurity standards and maintaining comparable license requirements. Consequently, exports, reexports, and transfers (in-country) of items controlled under these ECCNs to AG member countries are low-risk transactions. This assessment is evidenced by recent licensing data on approved and denied BIS license applications for the items controlled under these ECCNs to AG member countries. In 2021, BIS approved approximately 1,000 applications for ECCN 1C351, 1C353, 1C354, 1E001, and 1E351 and submitted the X for CC Column 3 on the Commerce Country Chart by removing the X for CC countries; this reflects—along with their demonstrated low risk posed by these items when destined to AG member countries, BIS is amending the reason for control from CB:1 to CB:2 in each of the entries for these items. Although these items remain CB-controlled, they will no longer require a license for CB reasons when destined to AG member countries. By amending the reason for control from CB:1 to CB:2 in each of the entries for these items, BIS estimates that it is a burden of approximately 1,000 license applications per year. This decrease in burden will benefit both the public, by reducing the need to submit applications and wait for processing, and BIS, by freeing resources for applications involving higher-risk destinations.

**Regulatory Change**

With this rule, BIS revises ECCNs 1C351, 1C353, 1C354, 1E001, and 1E351 on the CCL. This rule revises the reason for control in each of these ECCNs from CB:1 to CB:2. As a conforming change, BIS revises § 742.2(a) of the EAR such that it reflects the changes to ECCNs 1C351, 1C353, 1C354, 1E001, and 1E351.

This rule does not make changes to the item paragraphs or other reasons for control associated with these ECCNs. Notably, CB:1 will continue to be the reason for control in ECCN 1C351.d.14 .15 and genetic elements of ECCN 1C353 of toxins controlled in 1C351.d.14 .15, pursuant to the requirements of the Chemical Weapons Convention. Relatedly, ECCNs 1E001 and 1E351 will retain CB:1 as the reason for control for “technology” controlled by the ECCN 1C351.d.14 .15 and the genetic elements thereof.

This rule makes two conforming changes involving ECCN 1C351 that reflect the easing of licensing requirements described above. Prior to this rule, certain toxins controlled under ECCN 1C351 required a license but were eligible for License Exception Strategic Trade Authorization (STA) when destined to Country Group A:5 countries pursuant to § 740.20(b)(2)(vi). Given the changes made by this rule to ECCN 1C351, there is no longer a license requirement for these toxins when destined for a Country Group A:5 country. Therefore, this rule removes § 740.20(b)(2)(vi) and references to License Exception STA from ECCN 1C351.

**Crime Control**

Crime controls (CC) on crime control detection equipment, related technology, and software, set forth in § 742.7 of the EAR, support U.S. foreign policy interests that promote the observance of human rights throughout the world. Pursuant to § 742.7(a)(1), ECCNs on the CCL referencing CC Column 1 on the Country Chart (CC:1) require a BIS license for export and reexport. Similarly, § 742.2(a)(3) describes the license requirements for items referencing CC Column 3 on the Country Chart (CC:3). Prior to this rule, Austria, Finland, Ireland, Liechtenstein, South Korea, Sweden, and Switzerland were each subject to license requirements for CC:1 and CC:3 items set forth on the CCL. With this rule, the items specified in § 742.7(a)(1) and (a)(3) will no longer require a license for export and reexport to these seven countries; this reflects—along with their inclusion in Country Group A:5 (see supp. no. 1 to part 740) as well as in supplement no. 3 to part 746 (countries that have implemented export controls on Russia and Belarus that are substantially similar to U.S. export controls)—these seven countries’ status as close United States allies and partners. Moreover, these seven countries share the United States’ commitment to the observance of human rights worldwide. All seven countries have strong records regarding the safeguarding of civil liberties and individual freedoms and upholding other democratic norms.

In 2021, BIS approved approximately 200 licenses and did not deny any licenses for CC items destined to these seven countries. BIS anticipates that the removal of CC controls on these seven countries will enable the agency to reallocate its licensing application review and processing resources on higher-risk destinations that present human rights concerns.

**Regulatory Change**

This rule revises the Commerce Country Chart by removing the X for CC reason for control from CC:1 and CC:3 for Austria, Finland, Ireland, Liechtenstein, South Korea, Sweden, and Switzerland. Doing so eliminates the license requirements for items controlled under CC:1 and CC:3. This rule makes no further revisions to the Commerce Country Chart or conforming changes elsewhere in the EAR.

**Export Control Reform Act of 2018**

On August 13, 2018, the President signed into law the John S. McCain National Defense Authorization Act for Fiscal Year 2019, which included the Export Control Reform Act of 2018 (ECRA), 50 U.S.C. 4801–4852. ECRA provided the legal basis for BIS’s principal authorities and serves as the authority under which BIS issues this rule.

**Rulemaking Requirements**

1. BIS has examined the impact of this rule as required by Executive Orders 12866, 13563, and 14094, which 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). This rule is considered a “significant regulatory action” under section 3(f) of Executive Order 12866.

2. Notwithstanding any other provision of law, no person is required to respond to or 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 regulation involves collections previously approved by OMB under control number 0694–0088, Simplified Network Application Processing System, which includes, among other things, license applications and commodity classifications, and carries a burden estimate of 29.4 minutes for a manual or electronic submission for a total burden estimate of 35,739 hours. Total burden hours associated with the PRA and OMB control number 0694–0088 are expected to decrease as a result of this rule. This rule is expected to decrease the licensing burden by approximately 1,200 licenses per year; this will result in an overall reduction in burden house by almost 588 hours per year, for a new total burden estimate of 35,151 hours.

3. This rule does not contain policies with federalism implications as that term is defined in Executive Order 13132.

4. Pursuant to section 1762 of the Export Control Reform Act of 2018, this action is exempt from the Administrative Procedure Act (5 U.S.C. 553) requirements for notice of proposed rulemaking, opportunity for public participation, and delay in effective date.

5. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by 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. Accordingly, no regulatory flexibility analysis is required and none has been prepared.

**List of Subjects**

15 CFR Part 738
Exports.

15 CFR Part 740
Administrative practice and procedure, Exports, and Reporting and recordkeeping requirements.

15 CFR Part 742
Exports and Terrorism.

15 CFR Part 774
Exports, Reporting and recordkeeping requirements, Terrorism.

Accordingly, parts 738, 740, 742, and 774 of the Export Administration Regulations (15 CFR parts 730–774) is amended as follows:

**PART 738—COMMERCE CONTROL LIST OVERVIEW AND THE COUNTRY CHART**

1. The authority citation for 15 CFR part 738 continues to read as follows:


2. In supplement no. 1 to part 738, the table is amended by revising the entries for Austria, Finland, Ireland, Korea, South, Liechtenstein, Sweden, and Switzerland. The revisions read as follows:

**Supplement No. 1 to Part 738—Commerce Country Chart**

* * * * *

**BILLING CODE 3510–33–P**
## Commerce Country Chart

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<th>National Security</th>
<th>Missile Tech</th>
<th>Regional Stability</th>
<th>Firearms Convention</th>
<th>Crime Control</th>
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**PART 740—LICENSE EXCEPTIONS**

3. The authority citation for part 740 continues to read as follows:


4. Amend §740.20 by removing and reserving paragraph (b)(2)(vi).

**PART 742—CONTROL POLICY—CCL BASED CONTROLS**

5. The authority citation for part 742 continues to read as follows:

chemicals also identified as Schedule 2
ECCN 1C350.b or .c (CB-controlled
are specifically developed, packaged,
materials of defined composition that
testing kits that consist of pre-packaged
medical, analytical, diagnostic, and food
not apply to any of the following
ECCN 1C350, unless those compounds
created with any chemicals identified in
chemical warfare agents).
(B) Software designed for nucleic acid
assemblers and synthesizers controlled
by 2B352.j that is capable of designing
and building functional genetic elements from digital sequence data.
(x) Technology identified in ECCN
2E001 for the “development” of
software controlled by ECCN 2D351 or
2D352.
(xii) Technology identified in ECCN
2E201 or 2E290 for the use of valves
controlled by ECCN 2A226 having the characteristics of those described in 2B350.g.

3. The authority citation for part 774
continues to read as follows:
8720; 10 U.S.C. 8730(e); 22 U.S.C. 287c, 22
228; E.O. 13222, 66 FR 44025, 3 CFR, 2001
Comp., p. 783.

PART 774—THE COMMERCE CONTROL LIST

7. The authority citation for part 774
continues to read as follows:
8720; 10 U.S.C. 8730(e); 22 U.S.C. 287c, 22
228; E.O. 13222, 66 FR 44025, 3 CFR, 2001
Comp., p. 783.
85484  Federal Register / Vol. 88, No. 235 / Friday, December 8, 2023 / Rules and Regulations

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

8. Category 1 is amended by revising ECCNs 1C351, 1C353, 1C354, 1E001, and 1E351 to read as follows:

Category 1—Materials, Chemicals, Microorganisms and Toxins

C. ‘‘Materials’’

* * * * *

1C351 Human and animal pathogens and ‘‘toxins,’’ as follows (see List of Items Controlled).

License Requirements

Related Controls: (1) Certain forms of ricin and saxitoxin in 1C351.d.14 and .d.15 are CW Schedule 1 chemicals (see §742.18 of the EAR). The U.S. Government must provide advance notification and annual reports to the OPCW of all exports of Schedule 1 chemicals. See §745.1 of the EAR for notification procedures. See 22 CFR part 121, Category XIV and §121.7 for CW Schedule 1 chemicals that are '‘subject to the ITAR.’’ (2) The Animal and Plant Health Inspection Service (APHIS), U.S. Department of Agriculture, and the Centers for Disease Control and Prevention (CDC), U.S. Department of Health and Human Services maintain controls on the possession, use, and transfer within the United States of certain items controlled by this ECCN (for APHIS, see 7 CFR 331.3(b), 9 CFR 121.3(b), and 9 CFR 121.4(b); for CDC, see 42 CFR 73.1(b) and 42 CFR 73.4(b)). (3) See 22 CFR part 121, Category XIV(b), for modified biological agents and biologically derived substances that are ‘‘subject to the ITAR.’’

Related Definitions: For the purposes of this entry, ‘‘immunotoxins’’ are monoclonal antibodies linked to a toxin with the intention of destroying a specific target cell while leaving adjacent cells intact.

Items:

a. Viruses identified on the Australia Group (AG) ‘‘List of Human and Animal Pathogens and Toxins for Export Control,’’ as follows:

- a.1. African horse sickness virus;
- a.2. African swine fever virus;
- a.3. Andes virus;
- a.4. Avian influenza (AI) viruses identified as having high pathogenicity (HP), as follows:
- a.4.a. AI viruses that have an intravenous pathogenicity index (IVPI) in 6-week-old chickens greater than 1.2; or
- a.4.b. AI viruses that cause at least 75% mortality in 4- to 8-week-old chickens infected intravenously.

Note: Avian influenza (AI) viruses of the H5 or H7 subtype that do not have either of the characteristics described in 1C351.a.4 (specifically, 1C351.a.4.a or .a.4.b) should be sequenced to determine whether multiple basic amino acids are present at the cleavage site of the haemagglutinin molecule (HA0). If the amino acid motif is similar to that observed for other HPAI isolates, then the isolate being tested should be considered as HPAI and the virus is controlled under 1C351.a.4.

b. Bluetongue virus;
- c.6. Chapare virus;
- c.7. Chikungunya virus;
- c.8. Cholo virus;
- c.9. Classical swine fever virus (Hog cholera virus);
- c.10. Crimean-Congo hemorrhagic fever virus;
- c.11. Dobrava-Belgrade virus;
- c.12. Eastern equine encephalitis virus;
- c.13. Ebola virus (includes all members of the Ebola virus genus);
- c.15. Goatpox virus;
- c.16. Guanarito virus;
- c.17. Hantaan virus;
- c.18. Hendra virus (Equine morbillivirus);
- c.19. Japanese encephalitis virus;
- c.20. Junin virus;
- c.21. Kyasanur Forest disease virus;
- c.22. Laguna Negra virus;
- c.23. Lassa virus;
- c.24. Louping ill virus;
- c.25. Lumpy skin disease virus;
- c.26. Lympthocytic choriomeningitis virus;
- c.27. Machupo virus;
- c.28. Marburgvirus (includes all members of the Marburgvirus genus);
- c.29. Middle East respiratory syndrome-related coronavirus (MERS-related coronavirus);
- c.30. Monkeypox virus;
- c.31. Murray Valley encephalitis virus;
- c.32. Newcastle disease virus;
- c.33. Nipah virus;
- c.34. Onk hemorrhagic fever virus;
- c.35. Oropouche virus;
- c.36. Pestes des petits ruminants virus;
- c.37. Porcine Teschovirus;
- c.38. Powassan virus;
- c.39. Rabies virus and all other members of the Lyssavirus genus;
- c.40. Reconstructed 1918 influenza virus;

Technical Note: 1C351.a.41 includes reconstructed replication competent forms of the 1918 pandemic influenza virus containing any portion of the coding regions of all eight gene segments.

- c.41. Reconstructed 1918 influenza virus;
- c.42. Rift Valley fever virus;
- c.43. Rinderpest virus;
- c.44. Rocio virus;
- c.45. Sabia virus;
- c.46. Seoul virus;
- c.47. Severe acute respiratory syndrome-related coronavirus (SARS-related coronavirus);
- c.48. Sheeppox virus;

- c.49. Sheeppox virus;
- c.50. Sheeppox virus;
List of Items Controlled

Related Definitions:

a. Any genetically modified organism that contains, or any genetic element that codes for, any of the following:
   a.1. Any gene, gene product, or any product that contains a gene, that is subject to the export licensing requirements of the Animal and Plant Health Inspection Service (APHIS), U.S. Department of Agriculture, or the Centers for Disease Control and Prevention (CDC), U.S. Department of Health and Human Services, maintain controls on the possession, use, and transfer within the United States of certain items controlled by this ECCN, including (but not limited to) certain genetic elements, recombinant nucleic acids, and recombinant organisms associated with the agents or toxins in ECCN 1C351 or 1C354 (for APHIS, see 7 CFR 331.3(c) and 331.3(c), 9 CFR 121.3(c), and 9 CFR 121.4(c); for CDC, see 42 CFR 73.3(c) and 42 CFR 73.4(c)); (2) See 22 CFR part 121, Category XIV(b), for modified biological agents and biologically derived substances that are subject to the export licensing jurisdiction of the U.S. Department of State, Directorate of Defense Trade Controls.
   a.2. Any gene, gene product, or any product that contains a gene, that is subject to the export licensing requirements of the Animal and Plant Health Inspection Service (APHIS), U.S. Department of Agriculture, or the Centers for Disease Control and Prevention (CDC), U.S. Department of Health and Human Services, maintain controls on the possession, use, and transfer within the United States of certain items controlled by this ECCN, including (but not limited to) certain genetic elements, recombinant nucleic acids, and recombinant organisms associated with the agents or toxins in ECCN 1C351 or 1C354 (for APHIS, see 7 CFR 331.3(c) and 331.3(c), 9 CFR 121.3(c), and 9 CFR 121.4(c); for CDC, see 42 CFR 73.3(c) and 42 CFR 73.4(c)). (2) See 22 CFR part 121, Category XIV(b), for modified biological agents and biologically derived substances that are subject to the export licensing jurisdiction of the U.S. Department of State, Directorate of Defense Trade Controls.

License Requirements

License Requirements Notes:

1. Vaccines that contain genetic elements or genetically modified organisms identified in this ECCN are controlled by ECCN 1C351.d.14 and 1C351.d.15.

2. AT applies to genetic elements of items controlled by 1C351.d.14 and 1C351.d.15.

AT Applies to Genetic Elements of Items Controlled by 1C351.d.14 and 1C351.d.15

AT Applies to Genetic Elements of Items Controlled by 1C351.d.14 and 1C351.d.15

List of License Exceptions (See Part 740 for a Description of All License Exceptions)

CDS: N/A
cause disease or death. This might include alterations to, inter alia: virulence, transmissibility, stability, route of infection, host range, reproducibility, ability to evade or suppress host immunity, resistance to medical countermeasures, or detectability.

* * * * *

1C354 Plant pathogens, as follows (see List of Items Controlled).

License Requirements

Reason for Control: CB, AT

Control(s) Country chart (see Supp. No. 1 to part 738)

CB applies to entire entry. CB Column 2

AT applies to entire entry. AT Column 1

License Requirements Notes:

1. All vaccines are excluded from the scope of this ECCN. See ECCN 1C991 for vaccines.
2. Unless specified elsewhere in this ECCN, this ECCN controls all biological agents, regardless of quantity or attenuation, that are identified in the List of Items Controlled for this ECCN, including small quantities or attenuated strains of select biological agents that are excluded from the list of PPQ select agents and “toxins” by the Animal and Plant Health Inspection Service (APHIS), U.S. Department of Agriculture, in accordance with their regulations in 7 CFR part 331.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: N/A

GBS: N/A

List of Items Controlled

Related Controls: (1) The Animal and Plant Health Inspection Service (APHIS), U.S. Department of Agriculture, maintains controls on the possession, use, and transfer of United States of certain items controlled by this ECCN (see 7 CFR 331.3(c), 9 CFR 121.3(c), and 9 CFR 121.4(c)). (2) See 22 CFR part 121, Category XIV(b), for modified biological agents and biologically derived substances that are subject to the exporting jurisdiction of the U.S. Department of State, Directorate of Defense Trade Controls.

Related Definitions: N/A

Items:

a. Bacteria, as follows:
   a.1. Xanthomonas axonopodis pv. citri (Xanthomonas axonopodis pv. citri, Xanthomonas campestris pv. citri).
   a.2. Xanthomonas campestris pv. oryzae,
   a.3. Xanthomonas oryzae [this species of proteobacteria is identified on the APHIS “select agents” list (see Related Controls paragraph for this ECCN), but only the pathovar Xanthomonas oryzae pv. oryzae (syn. Pseudomonas campestris pv. oryzae) is identified on the Australia Group (AG) “List of Plant Pathogens for Export Control”];
   a.5. Ralstonia solanacearum, race 3, biovar 2;
   a.6. Raythayibacter toxicus [this bacterium is identified on the APHIS “select agents” list (see the Related Controls paragraph for this ECCN), but is not identified on the Australia Group (AG) “List of Plant Pathogens for Export Control”];
   b. Fungi, as follows:
   b.1. Bipolaris oryzae (Cochliobolus miyabeanus, Helminthosporium oryzae);
   b.2. Colletotrichum kahawae (Colletotrichum coffeanum var. virulans);
   b.3. Pseudocercospora leui (Microcyclos leui, Dothidella leui);
   b.4. Puccinia graminis ssp. graminis var. graminis/Puccinia graminis var. graminis ssp. graminis var. stakmanii (Puccinia graminis [syn. Puccinia graminis f. sp. tritic];
   b.5. Puccinia striiformis (syn. Puccinia glumarum);
   b.6. Magnaporthe oryzae (Pyricularia oryzae);
   b.7. Peronosclerospora philippinensis (Peronosclerospora sacchari);
   b.8. Sclerotophthora rayssiae var. zeae;
   b.9. Synchytrium endobioticum;
   b.10. Tilletia indica;
   b.11. Thecaphora solani;
   b.12. Phoma glycinea (formerly Pyrenochaeta glycinea) [this fungus is identified on the APHIS “select agents” list (see the Related Controls paragraph for this ECCN), but is not identified on the Australia Group (AG) “List of Plant Pathogens for Export Control”];
   c. Viruses, as follows:
   c.1. Andean potato latent virus (Potato Andean latent tymovirus); c.2. Potato spindle tuber viroid.
   * * * * *

E. “Technology”

* * * * *

1E001 “Technology” according to the General Technology Note for the “development” or “production” of items controlled by 1A002, 1A003, 1A004, 1A005, 1A006.b, 1A007, 1A008 1A101, 1A231, 1B (except 1B608, 1B613 or 1B999), or 1C (except 1C355, 1C608, 1C980 to 1C984, 1C988, 1C990, 1C991, 1C995 to 1C999).

License Requirements

Reason for Control: NS, MT, NP, CB, RS, AT

Control(s) Country chart (see Supp. No. 1 to part 738)

NS applies to “technology” for items controlled by 1A002, 1A003, 1A005, 1A006.b, 1A007, 1B608, 1B613 or 1B999, or 1C (except 1C355, 1C608, 1C988, 1C990, 1C991, 1C995 to 1C999).

NS Column 1

MT applies to “technology” for items controlled by 1A002, 1A003, 1B101, 1B102, 1B115 to 1B119, 1C001, 1C007, 1C011, 1C101, 1C102, 1C107, 1C111, 1C116, 1C117, or 1C118 for MT reasons.

MT Column 1

NP applies to “technology” for items controlled by 1A002, 1A003, 1A231, 1B001, 1B101, 1B225, 1B226, 1B228 to 1B234, 1C002, 1C010, 1C111, 1C116, 1C202, 1C210, 1C216, 1C225 to 1C237, or 1C239 to 1C241 for NP reasons.

NP Column 1

CB applies to “technology” for items controlled by 1C351.d.14 and .15 and the 1C353 genetic elements of toxins in ECCN 1C351.d.14 and .15.

CB Column 1

CB applies to “technology” for items controlled by 1C351, 1C353, or 1C354; and CB applies to “technology” for materials controlled by 1C350 and for chemical detection systems and dedicated detectors therefor, in 1A004.c, that also have the technical characteristics described in 2B515.a.

CB Column 2

RS applies to technology for equipment controlled in 1A004.d.

RS Column 2

Reporting Requirements

See §743.1 of the EAR for reporting requirements for exports under License Exceptions, and Validated End-User authorizations.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

TSR: Yes, except for the following:

1. Items controlled for MT reasons; or
2. Exports and reexports to destinations outside of those countries listed in Country
Group A:5 (See Supplement No. 1 to part 740 of the EAR) of “technology” for the “development” or “production” of the following:

(a) Items controlled by 1C001; or
(b) Items controlled by 1A002.a which are composite structures or laminates having an organic “matrix” and being made from materials listed under 1C101.c or 1C101.d.

Special Conditions for STA

STA: License Exception STA may not be used to ship or transmit “technology” according to the General Technology Note for the “development” or “production” of equipment and materials specified by ECCNs 1A002, 1C001, 1C007.c, 1C101.c or d or 1C012 to any of the destinations listed in Country Group A:6 (See Supplement No. 1 to part 740 of the EAR).

List of Items Controlled

Related Controls (1) Also see ECCNs 1E101, 1E201, and 1E202. (2) See ECCN 1B608 for “technology” for items classified under ECCN 1B608 or 1C608 that, immediately prior to July 1, 2014, were classified under ECCN 1B018.a or 1C018.b through .m (note that ECCN 1E001 controls “development” and “production” “technology” for chlorine trifluoride controlled by ECCN 1C111.a.5.—see ECCN 1E011 for controls on “use” “technology” for chlorine trifluoride). (3) See ECCN 1E002.g for control libraries (parametric technical databases) “specially designed” or modified to enable equipment to perform the functions of equipment controlled under ECCN 1A004.e (Nuclear, biological and chemical (NBC) detection systems) or ECCN 1A004.d (Equipment for detecting or identifying explosives residues). (4) “Technology” for lithium isotope separation (see related ECCN 1B233) and “technology” for items described in ECCN 1C012 are subject to the export licensing authority of the Department of Energy (see 10 CFR part 810). (5) “Technology” for items described in ECCN 1A102 is “subject to the ITAR” (see 22 CFR parts 120 through 130).

Related Definitions: N/A

Items:

The list of items controlled is contained in the ECCN heading.

1E351 “Technology” according to the “General Technology Note” for the disposal of chemicals or microbiological materials controlled by 1C350, 1C351, 1C353, or 1C354.

License Requirements

Reason for Control: CB, AT

Control(s)  |  Country chart (see Supp. No. 1 to part 738)
---|---
CB applies to “technology” for the disposal of items controlled by 1C351.d.14 and .15 and the 1C353 genetic elements of toxins in ECCN 1C351.d.14 and .15.  |  CB Column 1
CB applies to “technology” for the disposal of items controlled by 1C351, 1C353, or 1C354;  |  CB Column 2
CB applies to “technology” for the disposal of items controlled by 1C350.  |  CB Column 2

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

TSR: N/A

List of Items Controlled

Related Controls: N/A

Related Definitions: N/A

Items:

The list of items controlled is contained in the ECCN heading.

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Thea D. Rozman Kendler, Assistant Secretary for Export Administration.

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DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Parts 740 and 774

[Docket No. 230926–0234]

RIN 0694–A166

Export Administration Regulations for Missile Technology Items: 2018, 2019, and 2021 Missile Technology Control Regime Plenary Agreements; and License Exception Eligibility

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: The Bureau of Industry and Security (BIS) is amending the Export Administration Regulations (EAR) to reflect changes to the Missile Technology Control Regime (MTCR) Annex that were agreed to by MTCR member countries at the Technical Experts Meetings (TEMs) in March and November 2018, May and October 2019, and October 2021. This rule also expands the eligibility for the use of license exceptions under the EAR for MT-controlled items. These changes to license exception eligibility are also being made as part of a broader effort announced today that will liberalize several categories of export licensing requirements and the availability of export license exceptions for key allied and partner countries, as well as for members of certain multilateral export control regimes.

DATES: This rule is effective December 8, 2023.

FOR FURTHER INFORMATION CONTACT: Sharon Bragonje, Nuclear and Missile Technology Controls Division, Bureau of Industry and Security, Phone: (202) 482–0434; Email: sharon.bragonje@bis.doc.gov.

SUPPLEMENTARY INFORMATION:

Background

The Missile Technology Control Regime (MTCR or Regime) is an export control arrangement among 35 nations, including most of the world’s suppliers of advanced missiles and missile-related equipment, materials, software, and technology. The regime establishes a common list of controlled items (the Annex) and a common export control policy (the Guidelines) that member countries implement in accordance with their national export controls. The MTCR seeks to limit the risk of proliferation of weapons of mass destruction by controlling exports of goods and technologies that could make a contribution to delivery systems (other than manned aircraft) for such weapons.

In 1993, the MTCR’s original focus on missiles for nuclear weapons delivery was expanded to include the proliferation of missiles for the delivery of all types of weapons of mass destruction (WMD), i.e., nuclear, chemical, and biological weapons. Such proliferation has been identified as a threat to international peace and security. One way to address this threat is to maintain vigilance over the transfer of missile equipment, material, and related technologies usable for systems capable of delivering WMD. MTCR members voluntarily pledge to adopt the Regime’s export Guidelines and to restrict the export of items contained in the Regime’s Annex. The Regime’s Guidelines are implemented through the national export control laws, regulations and policies of the regime members.