

901–911, Pub. L. 106–387; Sec. 221, Pub. L. 107–56; Sec 1503, Pub.L. 108–11,117 Stat. 559; 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; Presidential Determination 2003–23 of May 7, 2003, 68 FR 26459, May 16, 2003; Notice of August 3, 2006, 71 FR 44551 (August 7, 2006); Notice of October 27, 2006, 71 FR 64109 (October 31, 2006).

■ 6. Supplement No. 2 to part 742, Anti-Terrorism Controls: Iran, Libya, North Korea, Syria and Sudan Contract Sanctity Dates and Related Policies, is amended:

■ a. By revising the heading as set forth below;

■ b. By revising the first sentence of paragraph (c)(27), to read as follows:

Supplement No. 2 to Part 742—Anti-Terrorism Controls: Iran, North Korea, Syria and Sudan Contract Sanctity Dates and Related Policies

(c) * * *

* * * * *

(27) *Semiconductor manufacturing equipment.* For Iran, Syria, Sudan, or North Korea, a license is required for all such equipment described in ECCNs 3B001 and 3B991.

* * * * *

PART 746—[AMENDED]

■ 7. The authority citation for 15 CFR part 746 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 22 U.S.C. 287c; Sec 1503, Pub. L. 108–11,117 Stat. 559; 22 U.S.C. 6004; Sec. 901–911, Pub. L. 106–387; Sec. 221, Pub. L. 107–56; E.O. 12854, 58 FR 36587, 3 CFR 1993 Comp., p. 614; E.O. 12918, 59 FR 28205, 3 CFR, 1994 Comp., p. 899; E.O. 13222, 3 CFR, 2001 Comp., p. 783; Presidential Determination 2003–23 of May 7, 2003, 68 FR 26459, May 16, 2003; Notice of August 3, 2006, 71 FR 44551 (August 7, 2006); Presidential Determination 2007–7 of December 7, 2006, 72 FR 1899, January 16, 2007.

§ 746.4 [Amended]

■ 8. In paragraph (a) of § 746.4, correct the phrase “as EAR99 (definitions in part 772 of the EAR.)” to read “as EAR99 (definitions in part 772 of the EAR).”

■ 9. In Supplement No. 1 to part 746—Examples of Luxury Goods, amend the introductory text to read as follows:

Supplement No. 1 to Part 746—Examples of Luxury Goods

The following further amplifies the illustrative list of luxury goods set forth in § 746.4(b)(1):

* * * * *

PART 774—[AMENDED]

■ 12. The authority citation for 15 CFR part 774 continues 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. 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 3, 2006, 71 FR 44551 (August 7, 2006).

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

■ 13. In Supplement No. 1 to part 774, Category 0—“Nuclear Materials, Facilities, and Equipment [and Miscellaneous Items]” is amended by revising the “License Requirements” section of ECCN 0A988 to read as follows:

0A988 Conventional military steel helmets as described by 0A018.d.1; and machetes.

License Requirements

Reason for Control: UN.

Control(s): UN applies to entire entry. A license is required for conventional military steel helmets as described by 0A018.d.1 and for machetes to Iraq, North Korea, and Rwanda. The Commerce Country Chart is not designed to determine licensing requirements for this entry. See part 746 of the EAR for additional information.

* * * * *

■ 14. In Supplement No. 1 to part 774, Category 3—“Electronics” is amended by revising the “License Requirements Notes” section of 3A991 to read as follows:

3A991 Electronic devices and components not controlled by 3A001.

* * * * *

License Requirements Notes: See 744.17 of the EAR for additional license requirements for commodities classified as 3A991.a.1.

* * * * *

■ 15. In Supplement No. 1 to part 774 (the Commerce Control List), Category 5—Telecommunications, ECCN 5A980 is amended by revising the Heading to read as follows:

5A980 Devices primarily useful for the surreptitious interception of wire, oral, or electronic communications; and parts and accessories therefor.

* * * * *

Dated: April 18, 2007.

Eileen Albanese,

Director, Office of Exporter Services.

[FR Doc. E7–7730 Filed 4–23–07; 8:45 am]

BILLING CODE 3510–33–P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 249

[Release No. 34–55643]

Technical Amendments to Form BD and Form BDW

AGENCY: Securities and Exchange Commission.

ACTION: Final rule; technical amendments.

SUMMARY: The Securities and Exchange Commission (“Commission” or “SEC”) is making technical amendments to Form BD and Form BDW, the uniform broker-dealer registration form and the uniform request for withdrawal from broker-dealer registration, respectively. The technical amendments will update the current list of self-regulatory organizations (“SROs”) and government jurisdictions listed on Form BD and Form BDW, and make conforming changes to the definition “jurisdiction” in the forms.

DATES: *Effective Date:* April 23, 2007.

FOR FURTHER INFORMATION CONTACT:

Paula Jenson, Deputy Chief Counsel, or Haimera Workie, Branch Chief, at (202) 551–5550, Office of the Chief Counsel, Division of Market Regulation, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549.

SUPPLEMENTARY INFORMATION: Form BD requires an applicant or registrant to indicate the SRO and governmental jurisdiction with which it is registering or registered. For a “partial withdrawal,”¹ Form BDW requires the applicant to specify the SRO and governmental jurisdiction from which it is withdrawing.² The Commission is making technical amendments to Item 2 of Form BD and Item 3 of Form BDW to update the list of governmental jurisdictions to include the United States Virgin Islands, and to update the

¹ A “full withdrawal” terminates registration with the SEC, all SROs, and all jurisdictions. However, a “partial withdrawal” terminates registration with specific jurisdictions and SROs, but does not terminate registration with the SEC and at least one SRO and jurisdiction.

² Section 15(b) of the Securities Exchange Act of 1934 (“Exchange Act”) provides that broker-dealers can register and withdraw from registration under procedures developed by the Commission. Exchange Act Rule 15b1–1 requires that an application for registration of a broker or dealer that is filed pursuant to Section 15(b) of the Exchange Act be filed on Form BD in accordance with the instructions on the form. Exchange Act Rule 15b6–1 requires that a notice of withdrawal from registration as a broker or dealer filed pursuant to Section 15(b) of the Exchange Act be filed on Form BDW in accordance with the instructions on the form.

list of SROs to include The NASDAQ Stock Market LLC and the International Securities Exchange, LLC, as well as to reflect the name change of The Cincinnati Stock Exchange, Inc. to National Stock Exchange, Inc.³ and the name change of the Pacific Exchange, Inc. to NYSE Arca, Inc.⁴ In addition, we are making conforming changes to the definition of “jurisdiction” to include the United States Virgin Islands. “Jurisdiction” will be defined as: “A state, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, or any subdivision or regulatory body thereof.”

I. Certain Findings

Under the Administrative Procedure Act (“APA”), notice of proposed rulemaking is not required when the agency, for good cause, finds “that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.”⁵ The Commission is making technical amendments to Item 2 of Form BD and Item 3 of Form BDW in light of the formation of or name changes to SROs and in light of new requirements for broker-dealer registration in the United States Virgin Islands.⁶ The Commission is also making conforming amendments to the definition of “jurisdiction” to include the United States Virgin Islands. These technical amendments will update the currently out-of-date list of SROs and government jurisdictions contained in Form BD and Form BDW, as well as provide related changes to the definition of “jurisdiction” in the forms. The Commission, therefore, finds that publishing the amendments for comment is unnecessary.⁷

Publication of a substantive rule not less than 30 days before its effective date is required by the APA except as otherwise provided by the agency for good cause.⁸ For the same reasons described above with respect to notice

and opportunity for comment, the Commission finds that there is good cause for making these technical amendments effective on April 23, 2007.

II. Consideration of Promotion of Efficiency, Competition, and Capital Formation

Section 3(f) of the Exchange Act,⁹ provides that whenever the Commission is engaged in rulemaking and is required to consider or determine whether an action is necessary or appropriate in the public interest, the Commission shall consider, in addition to the protection of investors, whether the action will promote efficiency, competition, and capital formation. In addition, Section 23(a)(2) of the Exchange Act requires the Commission, in adopting rules under the Exchange Act, to consider the anticompetitive effects of such rules, if any, and to refrain from adopting a rule that would impose a burden on competition not necessarily or appropriate in furtherance of the purposes of the Exchange Act.¹⁰

Because the amendments are limited to technical amendments, we do not anticipate that any competitive advantages or disadvantages would be created. We do not expect the amendments, as technical amendments, to have a significant effect on efficiency, or on capital formation or the capital markets resulting from any obligations imposed by the Commission. As previously noted, however, there will be some increased efficiency in the administration of the United States Virgin Islands regulations because adding the United States Virgin Islands to the list of jurisdictions will facilitate the use of these forms by broker-dealers doing business in that jurisdiction and will eliminate the need for separate paper filings of registration forms by these broker-dealers.

III. Statutory Authority

We are adopting the technical amendments to Forms BD and BDW under the authority set forth in the Exchange Act and, in particular, Sections 15(a), 15(b), 17(a), and 23(a) therein.¹¹

Text of Form Amendments

List of Subjects in 17 CFR Part 249

Broker-dealers, Reporting and recordkeeping requirements, Securities.

■ For the reasons set out in the preamble, 17 CFR part 249 is amended as follows:

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

■ 1. The authority citation for Part 249 continues to read in part as follows:

Authority: 15 U.S.C. 78a, *et seq.* and 7201 *et seq.*; and 18 U.S.C. 1350, unless otherwise noted.

* * * * *

§ 249.501 [Amended]

■ 2. Form BD (referenced in § 249.501) is amended by:

■ a. In the Explanation of Terms, 1. General section, revising “JURISDICTION—A state, the District of Columbia, the Commonwealth of Puerto Rico, or any subdivision or regulatory body thereof.” to read “JURISDICTION—A state, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, or any subdivision or regulatory body thereof.”; and

■ b. In Item 2, revising the SRO and Jurisdiction tables.

The revision reads as follows:

Form BD
* * * * *
2. * * *

S	<input type="checkbox"/>											
R	AMEX	BSE	CBOE	CHX	NSX	NASD	NQX	NYSE	PHLX	ARCA	ISE	OTHER
O												(specify)

J	<input type="checkbox"/> Alabama	<input type="checkbox"/> Hawaii	<input type="checkbox"/> Michigan	<input type="checkbox"/> North Carolina	<input type="checkbox"/> Texas
U	<input type="checkbox"/> Alaska	<input type="checkbox"/> Idaho	<input type="checkbox"/> Minnesota	<input type="checkbox"/> North Dakota	<input type="checkbox"/> Utah
R	<input type="checkbox"/> Arizona	<input type="checkbox"/> Illinois	<input type="checkbox"/> Mississippi	<input type="checkbox"/> Ohio	<input type="checkbox"/> Vermont

³ Exchange Act Rel. No. 48774 (November 12, 2003), 68 FR 65332 (November 19, 2003).
⁴ Exchange Act Rel. No. 53615 (April 7, 2006), 71 FR 19226 (April 13, 2006).
⁵ 5 U.S.C. 553(b).
⁶ The United States Virgin Islands Uniform Securities Act of 2004 (“Uniform Securities Act”) became effective on February 12, 2005. See 9 V.I. CODE ANN. §§ 601–672 (2004). The Uniform Securities Act requires registration by broker-dealers. See 9 V.I. CODE ANN. § 631. Prior to the enactment of the Uniform Securities Act, the United States Virgin Islands did not have regulations that

addressed broker-dealer registration and therefore it was not included as a jurisdiction on Form BD and Form BDW. Adding the United States Virgin Islands onto the list of jurisdictions would facilitate the use of these forms by broker-dealers and would eliminate the need for separate paper filings of registration forms by broker-dealers in the United States Virgin Islands.
⁷ For similar reasons, the amendments do not require analysis under the Regulatory Flexibility Act or analysis of major rule status under the Small Business Regulatory Enforcement Fairness Act. See 5 U.S.C. 601(2) (for purposes of Regulatory

Flexibility Act analyses, the term “rule” means any rule for which the agency publishes a general notice of proposed rulemaking); 5 U.S.C. 804(3)(C) (for purposes of Congressional review of agency rulemaking, the term “rule” does not include any rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of non-agency parties).
⁸ 5 U.S.C. 553(d).
⁹ 15 U.S.C. 78c(f).
¹⁰ 15 U.S.C. 78w(a)(2).
¹¹ 15 U.S.C. 78o(a), 78o(b), 78q(a), and 78w(a).

I S D I C T I O N	<input type="checkbox"/> Arkansas <input type="checkbox"/> California <input type="checkbox"/> Colorado <input type="checkbox"/> Connecticut <input type="checkbox"/> Delaware <input type="checkbox"/> District of Columbia <input type="checkbox"/> Florida <input type="checkbox"/> Georgia	<input type="checkbox"/> Indiana <input type="checkbox"/> Iowa <input type="checkbox"/> Kansas <input type="checkbox"/> Kentucky <input type="checkbox"/> Louisiana <input type="checkbox"/> Maine <input type="checkbox"/> Maryland <input type="checkbox"/> Massachusetts	<input type="checkbox"/> Missouri <input type="checkbox"/> Montana <input type="checkbox"/> Nebraska <input type="checkbox"/> Nevada <input type="checkbox"/> New Hampshire <input type="checkbox"/> New Jersey <input type="checkbox"/> New Mexico <input type="checkbox"/> New York	<input type="checkbox"/> Oklahoma <input type="checkbox"/> Oregon <input type="checkbox"/> Pennsylvania <input type="checkbox"/> Puerto Rico <input type="checkbox"/> Rhode Island <input type="checkbox"/> South Carolina <input type="checkbox"/> South Dakota <input type="checkbox"/> Tennessee	<input type="checkbox"/> Virgin Islands <input type="checkbox"/> Virginia <input type="checkbox"/> Washington <input type="checkbox"/> West Virginia <input type="checkbox"/> Wisconsin <input type="checkbox"/> Wyoming
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■ 3. Form BDW (referenced in § 249.501a) is amended by:

■ a. In the Explanation of Terms section, revising “The term JURISDICTION means a state, the District of Columbia, the Commonwealth of Puerto Rico, or

any subdivision or regulatory body thereof.” to read “The term JURISDICTION means a state, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, or any subdivision or regulatory body thereof.”; and

■ b. In Item 3, revising the SRO and Jurisdiction tables.

The revision reads as follows:

Form BDW

* * * * *

3. * * *

S R O	<input type="checkbox"/> AMEX	<input type="checkbox"/> BSE	<input type="checkbox"/> CBOE	<input type="checkbox"/> CHX	<input type="checkbox"/> NSX	<input type="checkbox"/> NASD	<input type="checkbox"/> NQX	<input type="checkbox"/> NYSE	<input type="checkbox"/> PHLX	<input type="checkbox"/> ARCA	<input type="checkbox"/> ISE	<input type="checkbox"/> OTHER (specify)
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J U R I S D I C T I O N	<input type="checkbox"/> Alabama <input type="checkbox"/> Alaska <input type="checkbox"/> Arizona <input type="checkbox"/> Arkansas <input type="checkbox"/> California <input type="checkbox"/> Colorado <input type="checkbox"/> Connecticut <input type="checkbox"/> Delaware <input type="checkbox"/> District of Columbia <input type="checkbox"/> Florida <input type="checkbox"/> Georgia	<input type="checkbox"/> Hawaii <input type="checkbox"/> Idaho <input type="checkbox"/> Illinois <input type="checkbox"/> Indiana <input type="checkbox"/> Iowa <input type="checkbox"/> Kansas <input type="checkbox"/> Kentucky <input type="checkbox"/> Louisiana <input type="checkbox"/> Maine <input type="checkbox"/> Maryland <input type="checkbox"/> Massachusetts	<input type="checkbox"/> Michigan <input type="checkbox"/> Minnesota <input type="checkbox"/> Mississippi <input type="checkbox"/> Missouri <input type="checkbox"/> Montana <input type="checkbox"/> Nebraska <input type="checkbox"/> Nevada <input type="checkbox"/> New Hampshire <input type="checkbox"/> New Jersey <input type="checkbox"/> New Mexico <input type="checkbox"/> New York	<input type="checkbox"/> North Carolina <input type="checkbox"/> North Dakota <input type="checkbox"/> Ohio <input type="checkbox"/> Oklahoma <input type="checkbox"/> Oregon <input type="checkbox"/> Pennsylvania <input type="checkbox"/> Puerto Rico <input type="checkbox"/> Rhode Island <input type="checkbox"/> South Carolina <input type="checkbox"/> South Dakota <input type="checkbox"/> Tennessee	<input type="checkbox"/> Texas <input type="checkbox"/> Utah <input type="checkbox"/> Vermont <input type="checkbox"/> Virgin Islands <input type="checkbox"/> Virginia <input type="checkbox"/> Washington <input type="checkbox"/> West Virginia <input type="checkbox"/> Wisconsin <input type="checkbox"/> Wyoming
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By the Commission.
Dated: April 19, 2007.
Florence E. Harmon,
Deputy Secretary.
[FR Doc. E7-7746 Filed 4-23-07; 8:45 am]
BILLING CODE 8010-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 884

[Docket No. 2007N-0120]

Medical Devices; Obstetrical and Gynecological Devices; Classification of Computerized Labor Monitoring System

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is classifying the computerized labor monitoring systems into class II (special controls). Elsewhere in this issue of the **Federal Register**, FDA is announcing the availability of a guidance document entitled, “Guidance for Industry and FDA Staff; Class II Special Controls

Guidance Document: Computerized Labor Monitoring Systems,” which will serve as the special controls for these devices. The agency is classifying these devices into class II (special controls) in order to provide a reasonable assurance of safety and effectiveness of these devices.

DATES: This rule is effective May 24, 2007. The classification was effective January 30, 2007.

FOR FURTHER INFORMATION CONTACT: Glenn Bell, Center for Devices and Radiological Health (HFZ-470), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 240-276-4100.

SUPPLEMENTARY INFORMATION:

I. What is The Background Of This Rulemaking?

In accordance with section 513(f)(1) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360c(f)(1)), devices that were not in commercial distribution before May 28, 1976, the date of enactment of the Medical Device Amendments of 1976 (the amendments), generally referred to as postamendments devices, are classified automatically by statute into class III without any FDA rulemaking process. These devices remain in class III and require premarket approval, unless the device is

classified or reclassified into class I or class II, or FDA issues an order finding the device to be substantially equivalent, in accordance with section 513(i) of the act, to a predicate device that does not require premarket approval. The agency determines whether new devices are substantially equivalent to predicate devices by means of premarket notification procedures in section 510(k) of the act (21 U.S.C. 360(k)) and part 807 (21 CFR part 807) of FDA’s regulations.

Section 513(f)(2) of the act provides that any person who submits a premarket notification under section 510(k) of the act for a device that has not previously been classified may, within 30 days after receiving an order classifying the device in class III under section 513(f)(1) of the act, request FDA to classify the device under the criteria set forth in section 513(a)(1) of the act. FDA shall, within 60 days of receiving such a request, classify the device by written order. This classification shall be the initial classification of the device type. Within 30 days after the issuance of an order classifying the device, FDA must publish a notice in the **Federal Register** announcing such classification (section 513(f)(2) of the act).

In accordance with section 513(f)(1) of the act, FDA issued an order on October 5, 2006, classifying the Computerized