

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 1C352.a.4 (specifically, 1C352.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 1C352.a.4.
- a.5. Bluetongue virus;
- a.6. Chapare virus;
- a.7. Chikungunya virus;
- a.8. Choclo virus;
- a.9. Classical swine fever virus (Hog cholera virus);
- a.10. Crimean-Congo hemorrhagic fever virus;
- a.11. Dengue virus;
- a.12. Dobrava-Belgrade virus;
- a.13. Eastern equine encephalitis virus;
- a.14. Ebolavirus (includes all members of the Ebolavirus genus);
- a.15. Foot-and-mouth disease virus;
- a.16. Goatpox virus;
- a.17. Guanarito virus;
- a.18. Hantaan virus;
- a.19. Hendra virus (Equine morbillivirus);
- a.20. Japanese encephalitis virus;
- a.21. Junin virus;
- a.22. Kyasanur Forest disease virus;
- a.23. Laguna Negra virus;
- a.24. Lassa virus;
- a.25. Louping ill virus;
- a.26. Lujo virus;
- a.27. Lumpy skin disease virus;
- a.28. Lymphocytic choriomeningitis virus;
- a.29. Machupo virus;
- a.30. Marburgvirus (includes all members of the Marburgvirus genus);
- a.31. Monkeypox virus;
- a.32. Murray Valley encephalitis virus;
- a.33. Newcastle disease virus;
- a.34. Nipah virus;
- a.35. Omsk hemorrhagic fever virus;
- a.36. Oropouche virus;
- a.37. Peste-des-petits ruminants virus;
- a.38. Porcine Teschovirus;
- a.39. Powassan virus;
- a.40. Rabies virus and all other members of the Lyssavirus genus;
- a.41. 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.
- a.42. Rift Valley fever virus;
- a.43. Rinderpest virus;
- a.44. Rocio virus;
- a.45. Sabia virus;

- a.46. Seoul virus;
  - a.47. Severe acute respiratory syndrome-related coronavirus (SARS-related coronavirus);
  - a.48. Sheeppox virus;
  - a.49. Sin Nombre virus;
  - a.50. St. Louis encephalitis virus;
  - a.51. Suid herpesvirus 1 (Pseudorabies virus; Aujeszky's disease);
  - a.52. Swine vesicular disease virus;
  - a.53. Tick-borne encephalitis virus (Far Eastern subtype, formerly known as Russian Spring-Summer encephalitis virus—see 1C351.b.3 for Siberian subtype);
  - a.54. Variola virus;
  - a.55. Venezuelan equine encephalitis virus;
  - a.56. Vesicular stomatitis virus;
  - a.57. Western equine encephalitis virus; *or*
  - a.58. Yellow fever virus.
- b. Viruses identified on the APHIS/CDC “select agents” lists (see Related Controls paragraph #2 for this ECCN), but not identified on the Australia Group (AG) “List of Human and Animal Pathogens and Toxins for Export Control,” as follows:
- b.1. [Reserved];
  - b.2. [Reserved]; *or*
  - b.3. Tick-borne encephalitis virus (Siberian subtype, formerly West Siberian virus—see 1C351.a.53 for Far Eastern subtype).
- \* \* \* \* \*

■ 8. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 2—Materials Processing, ECCN 2B352 is amended in the “Items” paragraph, under the List of Items Controlled section, by revising paragraph e., by revising paragraph g.2., by adding Notes 1 and 2 to paragraph g.2., and by revising paragraph h., 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:*

\* \* \* \* \*

e. Steam, gas or vapor sterilizable freeze-drying equipment with a condenser capacity of 10 kg of ice or greater in 24 hours (10 liters of water or greater in 24 hours) and less than 1000 kg of ice in 24 hours (less than 1,000 liters of water in 24 hours).

\* \* \* \* \*

g. \* \* \*

g.2. Biocontainment chambers, isolators, or biological safety cabinets having all of the following characteristics, for normal operation:

g.2.a. Fully enclosed workspace where the operator is separated from the work by a physical barrier;

g.2.b. Able to operate at negative pressure;

g.2.c. Means to safely manipulate items in the workspace; *and*

g.2.d. Supply and exhaust air to and from the workspace is high-efficiency particulate air (HEPA) filtered.

**Note 1 to 2B352.g.2:** 2B352.g.2 controls class III biosafety cabinets, as specified in the WHO Laboratory Biosafety Manual (3rd

edition, Geneva, 2004) or constructed in accordance with national standards, regulations or guidance.

**Note 2 to 2B352.g.2:** 2B352.g.2 does not control isolators “specially designed” for barrier nursing or transportation of infected patients.

h. Aerosol inhalation equipment designed for aerosol challenge testing with microorganisms, viruses or toxins, as follows:

h.1. Whole-body exposure chambers having a capacity of 1 cubic meter or greater.

h.2. Nose-only exposure apparatus utilizing directed aerosol flow and having a capacity for the exposure of 12 or more rodents, or two or more animals other than rodents, and closed animal restraint tubes designed for use with such apparatus.

\* \* \* \* \*

Dated: May 31, 2016.

**Kevin J. Wolf,**

*Assistant Secretary for Export Administration.*

[FR Doc. 2016–13271 Filed 6–6–16; 8:45 am]

**BILLING CODE 3510–33–P**

## DEPARTMENT OF DEFENSE

### Department of the Navy

#### 32 CFR Part 706

#### Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972

**AGENCY:** Department of the Navy, DoD.

**ACTION:** Final rule.

**SUMMARY:** The Department of the Navy (DoN) is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972, as amended (72 COLREGS), to reflect that the Deputy Assistant Judge Advocate General (DAJAG) (Admiralty and Maritime Law) has determined that *USS GERALD R. FORD* (CVN 78) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with certain provisions of the 72 COLREGS without interfering with its special function as a naval ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

**DATES:** This rule is effective June 7, 2016 and is applicable beginning May 9, 2016.

**FOR FURTHER INFORMATION CONTACT:**

Commander Theron R. Korsak, (Admiralty and Maritime Law), Office of the Judge Advocate General, Department of the Navy, 1322 Patterson Ave. SE., Suite 3000, Washington Navy Yard, DC 20374–5066, telephone 202–685–5040.

**SUPPLEMENTARY INFORMATION:** Pursuant to the authority granted in 33 U.S.C. 1605, the DoN amends 32 CFR part 706.

This amendment provides notice that the DAJAG (Admiralty and Maritime Law), under authority delegated by the Secretary of the Navy, has certified that *USS GERALD R. FORD* (CVN 78) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with the following specific provisions of 72 COLREGS without interfering with its special function as a naval ship: Annex I, paragraph 2(g), pertaining to the placement of the sidelights above the hull; Annex I, paragraph 3(a), pertaining to the placement of the forward masthead light in the forward quarter of the ship; Rule 21(a), pertaining to the placement of the masthead lights over the fore and aft centerline of the ship; and, Rule 21 (b), pertaining to the placement of the side lights arc of visibility. The DAJAG (Admiralty and Maritime Law) has also certified that the lights involved are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

**List of Subjects in 32 CFR Part 706**

Marine safety, Navigation (water), Vessels.

For the reasons set forth in the preamble, the DoN amends part 706 of title 32 of the Code of Federal Regulations as follows:

**PART 706—CERTIFICATIONS AND EXEMPTIONS UNDER THE INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 1972**

■ 1. The authority citation for part 706 continues to read as follows:

**Authority:** 33 U.S.C. 1605.

■ 2. Section 706.2 is amended by:

■ a. In Table Two, adding, in alpha numerical order, by vessel number, an entry for *USS GERALD R. FORD* (CVN 78);

■ b. In Table Three, adding, in alpha numerical order, by vessel number, an entry for *USS GERALD R. FORD* (CVN 78); and

■ c. In Table Five, adding, in alpha numerical order, by vessel number, an entry for *USS GERALD R. FORD* (CVN 78).

**§ 706.2 Certifications of the Secretary of the Navy Under Executive Order 11964 and 33 U.S.C. 1605.**

\* \* \* \* \*

TABLE TWO

Vessel	No.	Masthead lights, distance to stbd of keel in meters; rule 21(a)	Forward anchor light, distance below flight dk in meters; § 2(K), annex I	Forward anchor light, number of; rule 30(a)(i)	AFT anchor light, distance below flight dk in meters; rule 21(e), rule 30(a)(ii)	AFT anchor light, number of; rule 30(a)(ii)	Side lights, distance below flight dk in meters; § 2(g), annex I	Side lights, distance forward of forward masthead light in meters; § 3(b), annex I	Side lights, distance inboard of ship's sides in meters; § 3(b), annex I
<i>USS GERALD R. FORD</i> ....	CVN 78	31.57	.....	.....	.....	.....	0.13	.....	.....

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TABLE THREE

Vessel	No.	Masthead lights arc of visibility; rule 21(a)	Side lights arc of visibility; rule 21(b)	Stern light arc of visibility; rule 21(c)	Side lights distance inboard of ship's sides in meters; 3(b) annex 1	Stern light, distance forward of stern in meters; rule 21(c)	Forward anchor light, height above hull in meters; 2(K) annex 1	Anchor lights relation-ship of aft light to forward light in meters; 2(K) annex 1
<i>USS GERALD R. FORD</i> .....	CVN 78	.....	115.6	.....	.....	.....	.....	.....

\* \* \* \* \*

TABLE FIVE

Vessel	No.	Masthead lights not over all other lights and obstructions; annex 1, sec. 2(f)	Forward masthead light not in forward quarter of ship; annex 1, sec. 3(a)	After mast-head light less than 1/2 ship's length aft of forward mast-head light; annex 1, sec.3(a)	Percentage horizontal separation attained
USS GERALD R. FORD	CVN 78		X		

Approved: May 9, 2016.

**A.B. Fischer,**

*Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Admiralty and Maritime Law).*

Dated: May 31, 2016.

**N.A. Hagerty-Ford,**

*Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.*

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**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 100**

[Docket Number USCG-2016-0324]

RIN 1625-AA08

**Special Local Regulations; Marine Events Held in the Sector Long Island Sound Captain of the Port Zone**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing two special local regulations for two separate marine events within the Coast Guard Sector Long Island Sound (LIS) Captain of the Port (COTP) Zone. This temporary final rule is necessary to provide for the safety of life on navigable waters during these events. Entry into, transit through, mooring or anchoring within these regulated areas is prohibited unless authorized by COTP Sector Long Island Sound.

**DATES:** This rule is effective without actual notice from 12:01 a.m. on June 7, 2016 until 5 p.m. on June 12, 2016. For the purposes of enforcement, actual notice will be used from the date the

rule was signed, 18 May, 2016, until June 7, 2016.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type USCG-2016-0324 in the "SEARCH" box and click "SEARCH." Click on Open Docket Folder on the line associated with this rule.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, contact Petty Officer Jay TerVeen, Prevention Department, Coast Guard Sector Long Island Sound, telephone (203) 468-4446, email [Jay.C.TerVeen@uscg.mil](mailto:Jay.C.TerVeen@uscg.mil).

**SUPPLEMENTARY INFORMATION:**

**I. Table of Abbreviations**

COTP Captain of the Port  
 DHS Department of Homeland Security  
 FR Federal Register  
 NPRM Notice of Proposed Rulemaking  
 NAD 83 North American Datum 1983

**II. Background Information and Regulatory History**

This rulemaking establishes two special local regulations for one regatta and one air show. Each event and its corresponding regulatory history are discussed below.

Jones Beach (Air Show): A special local regulation was established in 2015 for the Jones Beach Air Show event when the Coast Guard issued a final rule entitled, "Special Local Regulations and Safety Zones; Marine Events held in the Sector Long Island Sound Captain of the Port Zone". This rulemaking was published on May 18, 2015 in the **Federal Register** (80 FR 28176).

The Harvard-Yale Regatta is a reoccurring marine event with regulatory history and is cited in 33 CFR 100.100(1.1). This event has been included in this rule due to deviation from the cite date.

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM with respect to this rule because doing so would be impracticable and contrary to the public interest. There is insufficient time to publish an NPRM, take public comments, and issue a final rule before these events take place. Thus, waiting for a comment period to run would inhibit the Coast Guard's mission to keep the ports and waterways safe.

Under 5 U.S.C. 553(d)(3), and for the same reasons stated in the preceding paragraph, the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

**III. Legal Authority and Need for Rule**

The legal basis for this temporary rule is 33 U.S.C. 1233.

The COTP Sector LIS has determined that the special local regulations established by this temporary final rule are necessary to provide for the safety of life on navigable waterways during these events.

**IV. Discussion of the Rule**

This rule establishes two special local regulations for one regatta and one air show. The locations of these regulated areas are as follows: