

drive electronics, and frequency converters, specially designed for laser systems controlled in this category;

(22) Two-dimensional infrared scene projector emitter arrays (*i.e.*, resistive arrays) specially designed for infrared scene generators controlled in USML Category IX(a)(10);

* (23) Any part, component, accessory, attachment, or associated equipment, that:

- (i) Is classified;
- (ii) Contains classified software;
- (iii) Is manufactured using classified production data; or
- (iv) Is being developed using classified information.

Note to paragraph (e)(23): “Classified” means classified pursuant to Executive Order 13526, or predecessor order, and a security classification guide developed pursuant thereto or equivalent, or to the corresponding classification rules of another government.

(24) Developmental image intensifier tubes, focal plane arrays, read-out-integrated circuits, accelerometers, gyroscopes, angular rate sensors, and inertial measurement units funded by the Department of Defense (MT if designed or modified for rockets, missiles, SLVs, drones, or unmanned aerial vehicle systems capable of a range equal to or greater than 300 km).

Note 1 to paragraph (e)(24): This paragraph does not control items: (a) In production, (b) determined to be subject to the EAR via a Commodity Jurisdiction determination (see § 120.4 of this subchapter), or (c) identified in the relevant Department of Defense contract or other funding authorization as being developed for both civil and military applications.

Note 2 to paragraph (e)(24): Note 1 does not apply to defense articles enumerated on the U.S. Munitions List, whether in production or development.

Note 3 to paragraph (e)(24): This provision is applicable to those contracts or other funding authorizations that are dated October 12, 2017 or later.

(f) Technical data (see § 120.10) and defense services (see § 120.9) directly related to the defense articles described in paragraphs (a) through (e) of this category and classified technical data directly related to items controlled in ECCNs 7A611, 7B611, and 7D611. (See § 125.4 for exemptions.) (MT for technical data and defense services related to articles designated as such.)

(g)–(w) [Reserved]
 (x) Commodities, software, and technology subject to the EAR (see § 120.42 of this subchapter) used in or with defense articles controlled in this category.

Note to paragraph (x): Use of this paragraph is limited to license applications

for defense articles controlled in this category where the purchase documentation includes commodities, software, or technology subject to the EAR (see § 123.1(b) of this subchapter).

Note to Category XII: For purposes of paragraphs (b)(6), (c)(1)(iii), (c)(3), (c)(4)(ii), (c)(5), (c)(6)(viii)(b), and (c)(7)(ii) of this category, a “military end user” means the national armed services (army, navy, marine, air force, or coast guard), national guard, national police, government intelligence or reconnaissance organizations, or any person or entity whose actions or functions are intended to support military end uses. A system or end item is not specially designed for a military end user if the item was developed with knowledge that it is or would be for use by both military end users and non-military end users, or if the item was or is being developed with no knowledge of use by a particular end user. For the purpose of conducting a self-determination of jurisdiction, documents contemporaneous with the development must establish such knowledge. For the purpose of a Commodity Jurisdiction determination, the government may base a determination on post-development information that evidences such knowledge or is otherwise consistent with § 120.4 of this subchapter.

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Rose E. Gottemoeller,
Under Secretary, Arms Control and International Security, Department of State.
 [FR Doc. 2016–24225 Filed 10–11–16; 8:45 am]
BILLING CODE 4710–25–P

DEPARTMENT OF THE INTERIOR
Bureau of Ocean Energy Management

30 CFR Parts 550, 556, 559 and 560

RIN 1010–AD06

[Docket ID: BOEM–2016–0031]

Leasing of Sulfur or Oil and Gas in the Outer Continental Shelf MMAA104000

AGENCY: Bureau of Ocean Energy Management (BOEM), Interior.

ACTION: Final rule.

SUMMARY: This final rule clarifies the language in one section of a final rule that the Bureau of Ocean Energy Management (BOEM) published in the **Federal Register** on March 30, 2016, and that became effective on May 31, 2016.

DATES: Effective November 14, 2016.

FOR FURTHER INFORMATION CONTACT: Robert Sebastian, Office of Policy, Regulation and Analysis at (504) 736–2761 or email at *robert.sebastian@boem.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

On March 30, 2016, BOEM published in the **Federal Register** (81 FR 18111), a final rule entitled Leasing of Sulfur or Oil and Gas in the Outer Continental Shelf, (leasing rule) which updated and streamlined the Outer Continental Shelf (OCS) oil and gas and sulfur leasing regulations, and became effective on May 31, 2016. On May 24, 2016, BOEM published a proposed rule to revise the leasing rule in order to clarify the language in one definition in Part 556 of that rule (81 FR 32694). In this final rule, BOEM amends 30 CFR 556.105 to revise that definition.

II. Analysis

Section 556.105 Acronyms and Definitions

The term “You” was defined in Section 556.105 of the leasing rule by providing a list of categories of persons to whom the term applies. The definition also included an introductory sentence to clarify that some persons not yet in a legal relationship with BOEM were affected by portions of Part 556. That definition read as follows: “You means any party that has, or may have, legal obligations to the Federal government with respect to any operations on the OCS in which it is or may become involved. Depending on the context of the regulation, the term “you” may include a lessee (record title owner), an operating rights owner, a designated operator or agent of the lessee, a predecessor lessee, a holder of a State or Federal RUE, or a pipeline ROW holder.”

The first sentence of that definition, by its reference to operations, might have caused confusion as to who is considered to be subject to the regulations in Part 556. Therefore, BOEM published a proposed rule and solicited public comments on its proposal to change the wording of the definition. In order to clarify the meaning of the definition, BOEM proposed to remove the introductory sentence of the definition and add specific references to: a bidder; a prospective bidder; and an applicant seeking to become an assignee of record title or operating rights. Those changes clarified the categories of persons who (depending on the context of the regulations) must comply with certain sections of Part 556, without the ambiguity of the definition as it was stated in the leasing rule.

BOEM also proposed to clarify the term “a holder of a State or Federal RUE” contained in the definition. A RUE is not correctly described as being “State” or “Federal.” Rather, a RUE

should be described on the basis of whether it is granted in order to service or support either a State or a Federal lease. Therefore, a holder of a RUE (the person to whom the RUE is granted) is correctly referred to as a "RUE holder for a State or Federal lease."

III. Final Rule and Response to Comments

BOEM received two comments on the proposed rule. One of those comments was non-substantive, while the other commended BOEM for its efforts to update and streamline the OCS oil and gas and sulfur leasing regulations, including the clarification at issue in this rulemaking. Neither comment recommended any changes to the proposed rule's definition of "you." As a result, neither comment resulted in any changes to the proposed rule. Therefore, the final rule incorporates the exact wording of the proposed rule's definition of "you" into Section 556.105.

As amended, the definition of "you" in Section 556.105 will read: "You, depending on the context of the regulations, means a bidder, a prospective bidder, a lessee (record title owner), an operating rights owner, an applicant seeking to become an assignee of record title or operating rights, a designated operator or agent of the lessee, a predecessor lessee, a RUE holder for a State or Federal lease, or a pipeline ROW holder."

IV. Procedural Requirements

Section V, Legal and Regulatory Analyses, of the leasing rule issued on March 30, 2016 (81 FR 18145), summarizes BOEM's analyses of the rule pursuant to applicable statutes and executive orders. This amendment to that rule would not change any conclusion described in that section, because the amendment is only intended to clarify the meaning of one definition in one provision of the regulatory text in the leasing rule and would not require any additional actions by either BOEM or the regulated community. Therefore, no additional analysis is necessary.

List of Subjects in 30 CFR Part 556

Administrative practice and procedure, Continental shelf, Environmental protection, Federal lands, Government contracts, Intergovernmental relations, Oil and gas exploration, Outer continental shelf, Mineral resources, Reporting and recordkeeping requirements.

Dated: September 9, 2016.

Amanda C. Leiter,
Acting Assistant Secretary—Land and Minerals Management.

For the reasons stated in the preamble, BOEM amends 30 CFR part 556 as follows:

PART 556—LEASING OF SULFUR OR OIL AND GAS AND BONDING REQUIREMENTS IN THE OUTER CONTINENTAL SHELF

■ 1. The authority citation for part 556 continues to read as follows:

Authority: 30 U.S.C. 1701 note, 30 U.S.C. 1711, 31 U.S.C. 9701, 42 U.S.C. 6213, 43 U.S.C. 1331 note, 43 U.S.C. 1334, 43 U.S.C. 1801–1802.

■ 2. Revise § 556.105 to amend the definition of "you" to read as follows:

§ 556.105 Acronyms and definitions.

* * * * *

You, depending on the context of the regulations, means a bidder, a prospective bidder, a lessee (record title owner), an operating rights owner, an applicant seeking to become an assignee of record title or operating rights, a designated operator or agent of the lessee, a predecessor lessee, a RUE holder for a State or Federal lease, or a pipeline ROW holder.

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[FR Doc. 2016–24586 Filed 10–11–16; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2016–0845]

RIN 1625–AA00

Safety Zone; Tennessee River, Knoxville, TN, MM TNR 646.9–647.1

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for all waters of the Tennessee River beginning at mile marker 646.9 and ending at mile marker 647.1, extending bank to bank. This temporary safety zone is necessary to protect persons and property from potential damage and safety hazard during fireworks displays on or over the navigable waterway. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Ohio Valley or a designated representative.

DATES: This rule is effective without actual notice from October 12, 2016 until November 19, 2016. For the purposes of enforcement, actual notice will be used from September 1, 2016 until October 12, 2016.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type USCG–2016–0845 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, call or email Petty Officer Ashley Schad, MSD Nashville, Nashville, TN, at 615–736–5421 or at Ashley.M.Schad@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary 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 a notice of proposed rulemaking (NPRM) with respect to this rule because the event sponsor submitted the event application on August 9, 2016. This late submission did not give the Coast Guard enough time to complete the full NPRM process. It is impracticable to publish an NPRM because we must establish this safety zone by September 1, 2016.

We are issuing this rule, and under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making it effective less than 30 days after publication in the **Federal Register**. Delaying this rule would be contrary to public interest of ensuring the safety of spectators and vessels during the event. Immediate action is necessary to prevent possible loss of life and property during the hazards created by a barge-based fireworks display near and over the navigable waterway.