

§ 242.600 [Corrected]

■ On page 18810, in the first column, Instruction 8.w. is added to read as follows: “w. Amending newly redesignated paragraph (b)(7)(i) by removing the text “paragraph (b)(4) of this section” and adding in its place “paragraph (b)(6) of this section”.”

Dated: May 24, 2021.

Vanessa A. Countryman,
Secretary.

[FR Doc. 2021–11282 Filed 5–28–21; 8:45 am]

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DEPARTMENT OF STATE**22 CFR Parts 121, 123, 124, 126, and 129**

[Public Notice: 11434]

International Traffic in Arms Regulations: U.S. Munitions List Categories; Preliminary Injunction Vacated by a Federal Court of Appeals

AGENCY: Department of State.

ACTION: Notification of vacatur of a prior preliminary injunction.

SUMMARY: The U.S. Department of State (the Department) is issuing this document to inform the public of the vacatur of a preliminary injunction previously ordered by a federal district court on March 6, 2020. As a result of the vacatur, the Department’s previously issued final rule of January 23, 2020, goes into full effect. Therefore, software and technical data related to 3–D printing of firearms or components transferred to the Export Administration Regulations (EAR), administered by the Department of Commerce now is exclusively controlled by the EAR.

DATES: The court order vacating the preliminary injunction took effect May 26, 2021.

FOR FURTHER INFORMATION CONTACT: For technical questions only: Sarah Heidema, Office of Defense Trade Controls Policy, Department of State, telephone (202) 663–2809; email DDTCTPublicComments@state.gov.

SUPPLEMENTARY INFORMATION: On January 23, 2020, the Department published a final rule in the **Federal Register** at 85 FR 3819 (RIN 1400–AE30) that amended the International Traffic in Arms Regulations (ITAR) to revise Categories I, II, and III of the U.S. Munitions List (USML) and remove certain items that no longer warrant control. On the same date, the Department of Commerce published a companion final rule in the **Federal Register** at 85 FR 4136 (RIN 0694–AF47)

that made conforming changes to the Export Administration Regulations (EAR) to control the export of certain commodities, software, and technology removed from the USML. These final rules were set to be effective March 9, 2020.

On March 6, 2020, in response to a lawsuit filed by several U.S. States, the U.S. District Court for the Western District of Washington (Civil Action No. 2:20–cv–00111), issued an order preliminarily enjoining part of the Department’s final rule. More specifically, the order enjoined the Department “from implementing or enforcing the regulation entitled International Traffic in Arms Regulation: U.S. Munitions List Categories I, II, and III, 85 FR 3819 (Jan. 23, 2020) insofar as it alters the status quo restrictions on technical data and software directly related to the production of firearm and firearm parts using a 3D-printer or similar equipment.” As the text of the order explained, and as was similarly described in a document published on April 2, 2020 at 85 FR 18445, the court’s order required the Department to maintain certain technical data controls in the USML related to producing 3–D printed firearms or firearm parts; however, other parts of the subject final rule were allowed to go into effect, including the removal of certain tangible firearms from the USML, which the Department of Commerce then began to regulate for export under its EAR.

However, on May 26, 2021, the U.S. Court of Appeals for the Ninth Circuit issued its mandate in *Washington v. U.S. Dep’t of State*, No. 20–35391, 2021 WL 1621320, 2021 U.S. App. LEXIS 12448 (9th Cir. Apr. 27, 2021), vacating the preliminary injunction previously entered by the U.S. District Court for the Western District of Washington on March 6, 2020.

As a result, the remainder of the Department’s subject final rule at 85 FR 3819 has now gone into effect. The Department therefore no longer regulates the export of certain kinds of technical data as described in its previous **Federal Register** document of April 2, 2020 at 85 FR 18445. Now, the EAR, administered by the Department of Commerce, exclusively controls the export of all commodities, software, and technology described in its final rule at 85 FR 4136 on January 23, 2020. For questions about that rule, please contact the Department of Commerce’s Bureau

of Industry and Security or visit its website at <https://www.bis.doc.gov/>.

Michael F. Miller,

Deputy Assistant Secretary of State for Defense Trade Controls, Department of State.

[FR Doc. 2021–11536 Filed 5–27–21; 4:15 pm]

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FEDERAL MEDIATION AND CONCILIATION SERVICE

29 CFR Part 1473

Rescission of Federal Mediation and Conciliation Rule on Administrative Guidance

AGENCY: Federal Mediation and Conciliation Service.

ACTION: Final rule; rescission of regulations.

SUMMARY: On April 20, 2020, the Federal Mediation and Conciliation Service (FMCS) published a final rule on administrative guidance implementing an Executive order entitled “Promoting the Rule of Law Through Improved Agency Guidance Documents,” and providing policy and requirements for issuing, modifying, withdrawing, and using guidance; and taking and responding to petitions about guidance. In accordance with the “Executive Order on Revocation of Certain Executive Orders Concerning Federal Regulation,” issued by President Biden on January 20, 2021, this final rule rescinds FMCS’s rule on guidance.

DATES: This final rule is effective June 1, 2021.

FOR FURTHER INFORMATION CONTACT: Alisa Silverman, Attorney-Advisor, Office of General Counsel, Federal Mediation and Conciliation Service, 250 E St. SW, Washington, DC 20427; Office/Fax/Mobile 202–606–5488; asilverman@fmcs.gov.

SUPPLEMENTARY INFORMATION:

I. Discussion

On April 20, 2020, at 85 FR 21770, the Federal Mediation and Conciliation Service (FMCS) published a final rule on administrative guidance implementing E.O. 13891, “Promoting the Rule of Law Through Improved Agency Guidance Documents,” signed by President Trump on October 9, 2019. As required by the E.O., this rule contained policy and requirements for issuing, modifying, withdrawing, and using guidance; making guidance available to the public; a notice and comment process for significant

guidance; and taking a responding to petitions about guidance.

On January 20, 2021, President Biden issued the “Executive Order on Revocation of Certain Executive Orders Concerning Federal Regulation” which, among other things, revoked E.O. 13891 and directed agencies to promptly take steps to rescind any orders, rules, regulations, guidelines, or policies, or portions thereof, implementing or enforcing the Executive Orders. In accordance with E.O. 13992, FMCS is issuing this final rule, which rescinds the rule on procedures for FMCS guidance documents published April 20, 2020.

II. Final Rule

FMCS has determined that this rule is suitable for final rulemaking. The revisions to FMCS’ policies and requirements surrounding administrative guidance are purely internal matters of agency management, as well as the agency’s organization, procedure, and practice. Accordingly, as with the April 20, 2020, final rule, FMCS is not required to engage in a notice and comment process to issue this rule under the Administrative Procedures Act, See U.S.C. 553(a)(2), 553(b)(A). Furthermore, because this rule is procedural rather than substantive, the normal requirement of 5 U.S.C. 553(d) that a rule not be effective until at least 30 days after publication in the **Federal Register** is inapplicable. FMCS also finds good cause to provide an immediate effective date for this rule because it imposes no obligations on parties outside the federal government and therefore no advance notice is required to enable employers or other private parties to come into compliance.

List of Subjects in 29 CFR Part 1473

Administrative practice and procedure, Guidance documents.

PART 1473—[REMOVED]

■ For the reasons discussed in the preamble, and under the authority 29 U.S.C. 172 of Taft Harley Act of 1947 and E.O. 13992, FMCS amends 29 CFR chapter XII by removing part 1473.

Issued in Washington, DC

Sarah Cudahy,
General Counsel.

[FR Doc. 2021-11204 Filed 5-28-21; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 525

Burma Sanctions Regulations

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final rule.

SUMMARY: The Department of the Treasury’s Office of Foreign Assets Control (OFAC) is adding regulations to implement a February 10, 2021 Burma-related Executive order. OFAC intends to supplement these regulations with a more comprehensive set of regulations, which may include additional interpretive and definitional guidance, general licenses, and other regulatory provisions.

DATES: This rule is effective June 1, 2021.

FOR FURTHER INFORMATION CONTACT: OFAC: Assistant Director for Licensing, 202-622-2480; Assistant Director for Regulatory Affairs, 202-622-4855; or Assistant Director for Sanctions Compliance & Evaluation, 202-622-2490.

SUPPLEMENTARY INFORMATION:

Electronic Availability

This document and additional information concerning OFAC are available on OFAC’s website: www.treasury.gov/ofac.

Background

On February 10, 2021, the President, invoking the authority of, *inter alia*, the International Emergency Economic Powers Act (50 U.S.C. 1701-1706) (IEEPA), issued Executive Order (E.O.) 14014 of February 10, 2021, “Blocking Property With Respect to the Situation in Burma” (86 FR 9429, February 12, 2021).

In E.O. 14014, the President determined that the situation in and in relation to Burma, and in particular the February 1, 2021 coup, in which the military overthrew the democratically elected civilian government of Burma and unjustly arrested and detained government leaders, politicians, human rights defenders, journalists, and religious leaders, thereby rejecting the will of the people of Burma as expressed in elections held in November 2020 and undermining the country’s democratic transition and rule of law, constitutes an unusual and extraordinary threat to the national security and foreign policy of the United States and declared a national emergency to deal with that threat.

OFAC is issuing the Burma Sanctions Regulations, 31 CFR part 525 (the “Regulations”), to implement E.O. 14014, pursuant to authorities delegated to the Secretary of the Treasury in E.O. 14014. A copy of E.O. 14014 appears in appendix A to this part.

The Regulations are being published in abbreviated form at this time for the purpose of providing immediate guidance to the public. OFAC intends to supplement this part 525 with a more comprehensive set of regulations, which may include additional interpretive and definitional guidance, general licenses, and other regulatory provisions. The appendix to the Regulations will be removed when OFAC supplements this part with a more comprehensive set of regulations.

Public Participation

Because the Regulations involve a foreign affairs function, the provisions of E.O. 12866 of September 30, 1993, “Regulatory Planning and Review” (58 FR 51735, October 4, 1993), and the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act (5 U.S.C. 601-612) does not apply.

Paperwork Reduction Act

The collections of information related to the Regulations are contained in 31 CFR part 501 (the “Reporting, Procedures and Penalties Regulations”). Pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), those collections of information have been approved by the Office of Management and Budget under control number 1505-0164. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number.

List of Subjects in 31 CFR Part 525

Administrative practice and procedure, Banks, banking, Blocking of assets, Burma, Foreign trade, Penalties, Reporting and recordkeeping requirements, Sanctions, Services.

■ For the reasons set forth in the preamble, OFAC adds part 525 to 31 CFR chapter V to read as follows:

PART 525—BURMA SANCTIONS REGULATIONS

Subpart A—Relation of This Part to Other Laws and Regulations

Sec.
525.101 Relation of this part to other laws and regulations.