

**List of Items Controlled**

*Unit:* \* \* \*

*Related Controls:* \* \* \*

*Related Definitions:* \* \* \*

*Items:*

a. Inertial or other equipment using accelerometers or gyros controlled by 7A001, 7A002, 7A101 or 7A102 and systems incorporating such equipment;

**Note:** 7A103.a does not control equipment containing accelerometers specially designed and developed as MWD (Measurement While Drilling) sensors for use in down-hole well services operations.

b. Integrated flight instrument systems, which include gyrostabilizers or automatic pilots, designed or modified for use in missiles.

c. Integrated Navigation Systems, designed or modified for use in "missiles" and capable of providing a navigational accuracy of 200m Circular Error Probable (CEP) or less.

*Technical Note:* An 'integrated navigation system' typically incorporates the following components:

1. An inertial measurement device (e.g., an attitude and heading reference system, inertial reference unit, or inertial navigation system);
2. One or more external sensors used to update the position and/or velocity, either periodically or continuously throughout the flight (e.g., satellite navigation receiver, radar altimeter, and/or Doppler radar); and
3. Integration hardware and software.

■ 11. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Propulsion Systems, Space Vehicles and Related Equipment, is amended by adding Export Control Classification Number (ECCN) 9A103 immediately following ECCN 9A101, to read as follows:

**9A103 Liquid Propellant Tanks Specially Designed for the Propellants Controlled in ECCNs 1C011, 1C111 or Other Liquid Propellants Used in "Missiles." (These Items Are Subject to the Export Licensing Authority of the U.S. Department of State, Directorate of Defense Trade Controls. See 22 CFR part 121.)**

■ 12. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Propulsion Systems, Space Vehicles and Related Equipment, Export Control Classification Number (ECCN) 9A120 is amended by revising the "items" paragraph in the List of Items Controlled section, to read as follows:

**9A120 Complete Unmanned Aerial Vehicles, Not Specified in 9A012, Having All of the Following**

\* \* \* \* \*

**List of Items Controlled**

*Unit:* \* \* \*

*Related Controls:* \* \* \*

*Related Definitions:* \* \* \*

*Items:*

a. Having any of the following:

a.1. An autonomous flight control and navigation capability; or

a.2. Capability of controlled-flight out of the direct vision range involving a human operator; and

b. Having any of the following:

b.1. Incorporating an aerosol dispensing system/mechanism with a capacity greater than 20 liters; or

b.2. Designed or modified to incorporate an aerosol dispensing system/mechanism with a capacity of greater than 20 liters.

**Note:** 9A120 does not control model aircraft, specially designed for recreational or competition purposes.

*Technical Notes:*

1. An aerosol consists of particulate or liquids other than fuel components, by-products or additives, as part of the payload to be dispersed in the atmosphere. Examples of aerosols include pesticides for crop dusting and dry chemicals for cloud seeding.

2. An aerosol dispensing system/mechanism contains all above devices (mechanical, electrical, hydraulic, etc.), which are necessary for storage and dispersion of an aerosol into the atmosphere. This includes the possibility of aerosol injection into the combustion exhaust vapor and into the propeller slip stream.

■ 13. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Propulsion Systems, Space Vehicles and Related Equipment, Export Control Classification Number (ECCN) 9B106 is amended by revising the "items" paragraph in the List of Items Controlled section, to read as follows:

**9B106 Environmental Chambers and Anechoic Chambers, as Follows (See List of Items Controlled)**

\* \* \* \* \*

**List of Items Controlled**

*Unit:* \* \* \*

*Related Controls:* \* \* \*

*Related Definitions:* \* \* \*

*Items:*

a. Environmental chambers capable of simulating all of the following flight conditions:

a.1. Vibration environments equal to or greater than 10 g rms, measured 'bare table', between 20 Hz and 2,000 Hz imparting forces equal to or greater than 5 kN; and

a.2. Any of the following:

a.2.a. Altitude equal to or greater than 15,000 m; or

a.2.b. Temperature range of at least -50 °C to +125 °C;

*Technical Notes:*

1. Item 9B106.a.2.a describes systems that are capable of generating a vibration environment with a single wave (e.g., a sine wave) and systems capable of generating a broad band random vibration (i.e., power spectrum).

2. The term 'bare table' means a flat table, or surface, with no fixture or fittings.

b. Environmental chambers capable of simulating all of the following flight conditions:

b.1. Acoustic environments at an overall sound pressure level of 140 dB or greater (referenced to  $2 \times 10^{-5}$  N/m<sup>2</sup>) or with a total rated acoustic power output of 4kW or greater; and

b.2. Any of the following:

b.2.a. Altitude equal to or greater than 15,000 m; or

b.2.b. Temperature range of at least -50 °C to +125 °C.

Dated: July 27, 2006.

**Matthew S. Borman,**  
*Deputy Assistant Secretary, for Export Administration.*

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**DEPARTMENT OF COMMERCE**

**Bureau of Industry and Security**

**15 CFR Part 774**

**The Commerce Control List**

*CFR Correction*

In Title 15 of the Code of Federal Regulations, Parts 300 to 799, revised as of January 1, 2006, on page 772, Supplement I to Part 774 is corrected by reinstating Export Control Classification Number 7A101 to Category 7 to read as follows:

**PART 774—THE COMMERCE CONTROL LIST**

\* \* \* \* \*

*Category 7—Navigation and Avionics*

\* \* \* \* \*

**7A101 ACCELEROMETERS, OTHER THAN THOSE CONTROLLED BY 7A001, WITH A THRESHOLD OF 0.05 G OR LESS, OR A LINEARITY ERROR WITHIN 0.25% OF FULL SCALE OUTPUT, OR BOTH, WHICH ARE DESIGNED FOR USE IN INERTIAL NAVIGATION SYSTEMS OR IN GUIDANCE SYSTEMS OF ALL TYPES AND SPECIALLY DESIGNED COMPONENTS THEREFOR.**

**License Requirements**

*Reason for Control:* MT, AT

<i>Control(s)</i>	<i>Country Chart</i>
MT applies to entire entry	MT Column 1
AT applies to entire entry	AT Column 1

**License Exceptions**

LVS: N/A

GBS: N/A

CIV: N/A

**List of Items Controlled**

*Unit:* \$ value

*Related Controls:* This entry does not control accelerometers which are specially designed and developed as MWD (Measurement While Drilling) sensors for use in downhole well service operations.

*Related Definitions:* N/A

*Items:* The list of items is included in the entry heading.

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**FEDERAL TRADE COMMISSION****16 CFR Part 310**

RIN 3084-0098

**Telemarketing Sales Rule Fees**

**AGENCY:** Federal Trade Commission.

**ACTION:** Final rule.

**SUMMARY:** The Federal Trade Commission (the "Commission" or "FTC") is issuing this Final Rule to amend section 310.8 ("the Final Amended Fee Rule") of the FTC's Telemarketing Sales Rule ("TSR") by revising the fees charged to entities accessing the National Do Not Call Registry ("the Registry").

**DATES:** *Effective Date:* Revised section 310.8 will become effective September 1, 2006.

**ADDRESSES:** Requests for copies of this Final Fee Rule should be sent to: Public Reference Branch, Federal Trade Commission, Room 130, 600 Pennsylvania Avenue, NW., Washington, DC 20580. The complete public record of this proceeding is also available at that address. Copies of this Final Fee Rule are also available on the Internet at: <http://www.ftc.gov/bcp/rulemaking/tsr/tsrrulemaking/index.htm>.

**FOR FURTHER INFORMATION CONTACT:** John A. Krebs, (202) 326-3747, Division of Planning & Information, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580.

**SUPPLEMENTARY INFORMATION:** The amended rule increases the annual fee for access to the Registry for each area code of data to \$62 per area code, or \$31 per area code of data during the second six months of an entity's annual subscription period. The maximum amount that would be charged to any single entity for accessing 280 area codes of data or more is increased to \$17,050. In addition, the amended rule retains the provisions regarding free access by "exempt" organizations, as well as free access to the first five area codes of data by all entities.

**Statement of Basis And Purpose****I. Background**

On December 18, 2002, the Commission issued final amendments to the Telemarketing Sales Rule, which, *inter alia*, established the National Do Not Call Registry, permitting consumers to register, via either a toll-free telephone number or the Internet, their preference not to receive certain telemarketing calls ("Amended TSR").<sup>1</sup> Under the Amended TSR, most telemarketers are required to refrain from calling consumers who have placed their numbers on the Registry.<sup>2</sup> Telemarketers must periodically access the Registry to remove from their telemarketing lists the telephone numbers of those consumers who have registered.<sup>3</sup>

Shortly after issuance of the Amended TSR, Congress passed The Do-Not-Call Implementation Act ("the Implementation Act").<sup>4</sup> The Implementation Act gave the Commission the specific authority to "promulgate regulations establishing fees sufficient to implement and enforce the provisions relating to the 'do-not-call' registry of the [TSR]. \* \* \* No amounts shall be collected as fees pursuant to this section for such fiscal years except to the extent provided in advance in appropriations Acts. Such amounts shall be available \* \* \* to offset the costs of activities and services related to the implementation and enforcement of the [TSR], and other activities resulting from such implementation and enforcement."<sup>5</sup>

On July 29, 2003, pursuant to the Implementation Act, Telemarketing Fraud and Abuse Prevention Act ("the Telemarketing Act"),<sup>6</sup> and the

Consolidated Appropriations Resolution, 2003,<sup>7</sup> the Commission issued a Final Rule further amending the TSR to impose fees on entities accessing the National Do Not Call Registry ("the Original Fee Rule").<sup>8</sup> Those fees were based on the FTC's best estimate of the number of entities that would be required to pay for access to the Registry, and the need to raise \$18.1 million in Fiscal Year 2003 to cover the costs associated with the implementation and enforcement of the "do-not-call" provisions of the Amended TSR. The Commission determined that the fee structure would be based on the number of different area codes of data that an entity wished to access annually. The Original Fee Rule established an annual fee of \$25 for each area code of data requested from the Registry, with the first five area codes of data provided at no cost.<sup>9</sup> The maximum annual fee was capped at \$7,375 for entities accessing 300 area codes of data or more.<sup>10</sup>

On July 30, 2004, pursuant to the Implementation Act, the Telemarketing Act, and the Consolidated Appropriations Act, 2004,<sup>11</sup> the Commission issued a revised Final Rule further amending the TSR and increasing fees on entities accessing the National Do Not Call Registry ("the 2004 Fee Rule").<sup>12</sup> Those fees were based on the FTC's experience through June 1, 2004, its best estimate of the number of entities that would be required to pay for access to the Registry, and the need to raise \$18 million in Fiscal Year 2004 to cover the costs associated with the implementation and enforcement of the "do-not-call" provisions of the Amended TSR. The Commission determined that the fee structure would continue to be based on the number of different area codes of data that an entity wished to access annually. The

<sup>7</sup> Pub. L. 108-7, 117 Stat. 11 (2003).

<sup>8</sup> 68 FR 45134 (July 31, 2003).

<sup>9</sup> Once an entity requested access to area codes of data in the Registry, it could access those area codes as often as it deemed appropriate for one year (defined as its "annual period"). If, during the course of its annual period, an entity needed to access data from more area codes than those initially selected, it would be required to pay for access to those additional area codes. For purposes of these additional payments, the annual period was divided into two semi-annual periods of six-months each. Obtaining additional data from the Registry during the first semi-annual, six-month period required a payment of \$25 for each new area code. During the second semi-annual, six-month period, the charge for obtaining data from each new area code requested during that six-month period was \$15. These payments would provide the entity access to those additional area codes of data for the remainder of its annual period.

<sup>10</sup> 68 FR at 45141.

<sup>11</sup> Pub. L. 108-199, 118 Stat. 3 (2004).

<sup>12</sup> 69 FR 45580 (July 30, 2004).

<sup>1</sup> 68 FR 4580 (Jan. 29, 2003).

<sup>2</sup> 16 CFR 310.4(b)(1)(iii)(B).

<sup>3</sup> 16 CFR 310.4(b)(3)(iv). The Amended TSR requires telemarketers to access the Registry at least once every 31 days, effective January 1, 2005. See 69 FR 16368 (Mar. 29, 2004).

<sup>4</sup> Pub. L. 108-10, 117 Stat. 557 (2003).

<sup>5</sup> *Id.*

<sup>6</sup> 15 U.S.C. 6101-08.