

## List Review

On December 10, 2010, the Department provided notice to the public of its intent, pursuant to the ECR initiative, to revise the USML to create a “positive list” that describes controlled items using, to the extent possible, objective criteria rather than broad, open-ended, subjective, or design intent-based criteria (see 75 FR 76935). As a practical matter, this meant revising USML categories so that, with some exceptions, the descriptions of defense articles that continued to warrant control under the USML did not use catch-all phrases to control unspecified items. With limited exceptions, the defense articles that warranted control under the USML were those that provided the United States with a critical military or intelligence advantage. All other items were to become subject to the Export Administration Regulations. Since that time, the Department has published final rules setting forth revisions for fifteen USML categories, each of which have been reorganized into a uniform and more positive list structure.

The advantage of revising the USML into a more positive list is that its controls can be tailored to satisfy the national security and foreign policy objectives of the U.S. government by maintaining control over those defense articles that provide a critical military or intelligence advantage, or otherwise warrant control under the International Traffic in Arms Regulations (ITAR), without inadvertently controlling items in normal commercial use. This approach, however, requires that the lists be regularly revised and updated to account for technological developments, practical application issues identified by exporters and reexporters, and changes in the military and commercial applications of items affected by the list. In addition, the USML and the Commerce Control List require regular revision in order to ensure that they satisfy the national security and foreign policy objectives of the reform effort, which are to (i) improve interoperability of U.S. military forces with allied countries, (ii) strengthen the U.S. industrial base by, among other things, reducing incentives for foreign manufacturers to design out and avoid U.S.-origin content and services, which ensures continued U.S. visibility and control, and (iii) allow export control officials to focus government resources on transactions that pose greater concern.

On June 17, 2015, the Department published a Notice of Inquiry in the **Federal Register** requesting public

comment on USML Categories VIII and XIX, both of which were revised pursuant to the ECR initiative in late 2013. It was the first of what is planned to be a series of solicitations requesting feedback on those USML categories that have reached their one-year anniversary of revision. This Notice of Inquiry is the second such request. As suggested in its title, the subjects are Categories VI, VII, XIII and XX, which became effective on January 6, 2014 (see 78 FR 40922). As with the previous inquiry, the Department seeks comment from the public on the condition and efficacy of these categories and whether they are meeting the ECR objectives for the list revisions.

## Request for Comments

The Department requests public comment regarding USML Categories VI, VII, XIII and XX. General comments on the overall ECR initiative or other aspects of the ITAR, to include other categories of the USML that do not relate to or are not affected by Categories VI, VII, XIII or XX, are outside of the scope of this inquiry. In order to contribute effectively to the USML review process, all commenters are encouraged to provide comments that are responsive specifically to the prompts set forth below.

The Department requests comment on the following topics, as they relate to Categories VI, VII, XIII and XX:

1. Emerging and new technologies that are appropriately controlled by one of the referenced categories, but which are not currently described in the subject categories or not described with sufficient clarity.
2. Defense articles that are described in subject categories, but which have entered into normal commercial use since the most recent revisions to the category at issue. For such comments, be sure to include documentation to support claims that defense articles have entered into normal commercial use.
3. Defense articles for which commercial use is proposed, intended, or anticipated in the next five years.
4. Drafting or other technical issues in the text of either of the referenced categories.

The Department will review all comments from the public. If a rulemaking is warranted based on the comments received, the Department will respond to comments received in a

proposed rulemaking in the **Federal Register**.

**C. Edward Peartree,**

*Director, Office of Defense Trade Controls Policy, Bureau of Political-Military Affairs, U.S. Department of State.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 51, 60, 61, and 63

[EPA-HQ-OAR-2014-0292; FRL-9935-42-OAR]

RIN 2060-AS34

### Revisions to Test Methods, Performance Specifications, and Testing Regulations for Air Emission Sources; Extension of Comment Period

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule; extension of comment period.

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**SUMMARY:** The Environmental Protection Agency (EPA) is extending the comment period for the proposed rule titled, “Revisions to Test Methods, Performance Specifications, and Testing Regulations for Air Emission Sources,” that was published in the **Federal Register** on September 8, 2015. The 60-day comment period in the proposed rule is scheduled to end on November 9, 2015. The extended comment period will close on December 9, 2015. The EPA recently added a technical justification to the docket for the revision in the proposed rule regarding Subpart JJJJ of Part 60 (Standards of Performance for Stationary Spark Ignition Internal Combustion Engines). We also added background information to support our reasoning for soliciting comment about Method 7E stratification. Therefore, the EPA is extending the comment period to allow the public additional time to submit comments and supporting information on these and other aspects of the proposed rule.

**DATES:** Comments on the proposed rule published September 8, 2015 (80 FR 54146) must be received on or before December 9, 2015.

**ADDRESSES:** *Comments.* Written comments on the proposed rule may be submitted to the EPA electronically, by mail, by facsimile, or through hand delivery/courier. Please refer to the proposal (80 FR 54146) for the addresses and detailed instructions.

*Docket.* Publicly available documents relevant to this action are available for public inspection either electronically at [www.regulations.gov](http://www.regulations.gov), or in hard copy at the EPA Docket Center, EPA/DC, WJC West Building, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The public reading room is open from 8:30 a.m. to 4:30 p.m. Monday through Friday, excluding legal holidays. A reasonable fee may be charged for copying. The EPA has established the official public docket No. EPA-HQ-OAR-2014-0292.

**FOR FURTHER INFORMATION CONTACT:** Ms. Lula H. Melton, U.S. EPA, Office of Air Quality Planning and Standards, Air Quality Assessment Division, Measurement Technology Group (Mail Code: E143-02), Research Triangle Park, NC 27711; telephone number: (919) 541-2910; fax number: (919) 541-0516; email address: [melton.lula@epa.gov](mailto:melton.lula@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**Comment Period**

The EPA is extending the public comment period for an additional 30 days to ensure that the public has sufficient time to review and comment on the proposed rule. The public comment period will end on December 9, 2015, instead of November 9, 2015.

**List of Subjects**

*40 CFR Part 51*

Environmental protection, Air pollution control, Performance specifications, Test methods and procedures.

*40 CFR Part 60*

Environmental protection, Air pollution control, Incorporation by reference, Performance specifications, Test methods and procedures.

*40 CFR Parts 61 and 63*

Environmental protection, Air pollution control, Performance

specifications, Test methods and procedures.

Dated: September 28, 2015.

**Stephen D. Page,**

*Director, Office of Air Quality Planning and Standards.*

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**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

**[EPA-R09-OAR-2015-0280; FRL-9935-41-Region 9]**

**Revisions to California State Implementation Plan; Bay Area Air Quality Management District; Stationary Source Permits; Reopening of Comment Period**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule; reopening of comment period.

**SUMMARY:** EPA is reopening the comment period on a proposed limited approval and limited disapproval published on August 28, 2015 (80 FR 52236).

**DATES:** Any comments on this proposal must arrive by November 12, 2015.

**ADDRESSES:** Submit comments, identified by Docket ID Number EPA-R09-OAR-2015-0280, by one of the following methods:

1. *Federal eRulemaking Portal:* [www.regulations.gov](http://www.regulations.gov). Follow the on-line instructions.
2. *Email:* [R9airpermits@epa.gov](mailto:R9airpermits@epa.gov).
3. *Mail or deliver:* Gerardo Rios (Air-3), U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105-3901. Deliveries are only accepted during the Regional Office's normal hours of operation.

*Instructions:* All comments will be included in the public docket without

change and may be made available online at [www.regulations.gov](http://www.regulations.gov), including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through [www.regulations.gov](http://www.regulations.gov) or email. [www.regulations.gov](http://www.regulations.gov) is an anonymous access system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send email directly to EPA, your email address will be automatically captured and included as part of the public comment. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

*Docket:* Generally, documents in the docket for this action are available electronically at [www.regulations.gov](http://www.regulations.gov) and in hard copy at EPA Region 9, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed at [www.regulations.gov](http://www.regulations.gov), some information may be publicly available only at the hard copy location (e.g., copyrighted material, large maps), and some may not be publicly available in either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

**FOR FURTHER INFORMATION CONTACT:** Shaheerah Kelly, EPA Region 9, (415) 947-4156, [kelly.shaheerah@epa.gov](mailto:kelly.shaheerah@epa.gov).

**SUPPLEMENTARY INFORMATION:** On August 28, 2015, EPA proposed a limited approval and limited disapproval of the following rules for the Bay Area Air Quality Management District (BAAQMD) portion of the California State Implementation Plan (SIP).

TABLE 1—SUBMITTED RULES

Regulation & Rule No.	Rule title	Adopted/amended	Submitted
Regulation 2, Rule 1 (2-1)	Permits, General Requirements	12/19/12	4/22/13
Regulation 2, Rule 2 (2-2)	Permits, New Source Review	12/19/12	4/22/13