

Nacogdoches, TX, Nacogdoches A L
Mangham Jr Rgnl, NDB RWY 18, Amdt 1C,
CANCELLED

Richmond, VA, Richmond Intl, ILS OR LOC
RWY 2, Amdt 2C

Richmond, VA, Richmond Intl, VOR RWY
20, Amdt 1D

Bennington, VT, William H. Morse State,
VOR RWY 13, Amdt 1B, CANCELLED

Springfield, VT, Hartness State (Springfield),
Takeoff Minimums and Obstacle DP, Amdt
3A

Charleston, WV, Yeager, ILS OR LOC RWY
23, Amdt 31A

Powell, WY, Powell Muni, NDB RWY 31,
Amdt 2C, CANCELLED

Rescinded: On July 13, 2020 (85 FR 41912),
the FAA published an Amendment in Docket
No. 31319 Amdt No. 3911, to Part 97 of the
Federal Aviation Regulations under sections
97.37. The following entry for Jaffrey, NH
effective September 10, 2020, is hereby
rescinded in its entirety:

Jaffrey, NH, Jaffrey Airfield-Silver Ranch,
Takeoff Minimums and Obstacle DP, Amdt
1A

Rescinded: On August 6, 2020 (85 FR
47643), the FAA published an Amendment
in Docket No. 31323 Amdt No. 3915, to Part
97 of the Federal Aviation Regulations under
sections 97.29, and 97.33. The following
entries for El Paso, TX effective September
10, 2020, are hereby rescinded in their
entirety:

El Paso, TX, El Paso Intl, ILS OR LOC RWY
22, Amdt 32E

El Paso, TX, El Paso Intl, RNAV (GPS) Y
RWY 22, Orig-F

El Paso, TX, El Paso Intl, RNAV (RNP) Z
RWY 22, Amdt 1B

[FR Doc. 2020-17732 Filed 8-19-20; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Part 744

[Docket No. 200810-0211]

RIN 0694-A119

Clarification of Entity List Requirements for Listed Entities When Acting as a Party to the Transaction Under the Export Administration Regulations (EAR)

AGENCY: Bureau of Industry and
Security, Commerce.

ACTION: Final rule.

SUMMARY: In this final rule, the Bureau
of Industry and Security (BIS) is
clarifying the supplemental license
requirements for parties listed on the
Entity List pursuant to the Export
Control Reform Act of 2018 (ECRA).
Specifically, this final rule clarifies the
Entity List's supplemental licensing
requirements to state that these end-user

controls apply to any listed entity when
that entity is acting as a purchaser,
intermediate or ultimate consignee, or
end-user as defined in the Export
Administration Regulations (EAR).

DATES: This rule is effective August 17,
2020.

FOR FURTHER INFORMATION CONTACT:
Chair, End-User Review Committee,
Office of the Assistant Secretary for
Export Administration, Bureau of
Industry and Security, Department of
Commerce, Phone: (202) 482-5991, Fax:
(202) 482-3911, Email: *ERC@*
bis.doc.gov.

SUPPLEMENTARY INFORMATION:

Background

The Entity List (Supplement No. 4 to
part 744 of the Export Administration
Regulations (EAR)) identifies entities for
which there is reasonable cause to
believe, based on specific and
articulable facts, that the entities have
been involved, are involved, or pose a
significant risk of being or becoming
involved in activities contrary to the
national security or foreign policy
interests of the United States. The EAR
(15 CFR parts 730-774) impose
additional license requirements on, and
limit the availability of most license
exceptions for, exports, reexports, and
transfers (in-country) to listed entities.
The license review policy for each listed
entity is identified in the "License
review policy" column on the Entity
List and the impact on the availability
of license exceptions is described in the
relevant **Federal Register** notice adding
entities to the Entity List. BIS places
entities on the Entity List pursuant to
part 744 (Control Policy: End-User and
End-Use Based) and part 746
(Embargoes and Other Special Controls)
of the EAR.

The End-User Review Committee
(ERC), composed of representatives of
the Departments of Commerce (Chair),
State, Defense, Energy and, where
appropriate, the Treasury, makes all
decisions regarding additions to,
removals from, or other modifications to
the Entity List. The ERC makes all
decisions to add an entry to the Entity
List by majority vote and all decisions
to remove or modify an entry by
unanimous vote. The ERC approved the
clarifications of the Entity List
requirements in this rule, which will
apply to all current entities on the
Entity List and subsequent additions
and modifications to the Entity List.

Clarification of Entity List Requirements

As referenced above, § 744.11(a) of the
EAR sets forth supplemental license

requirements applicable to exports,
reexports, and transfers (in-country) to
entities listed on the Entity List, which
have been involved, are involved, or
pose a significant risk of being or
becoming involved, in activities
contrary to the national security or
foreign policy interests of the United
States. In contrast to other provisions of
the EAR (*i.e.*, §§ 740.2(a)(17), 744.15(b),
and 758.1(b)(8)) that set forth
restrictions applicable to exports,
reexports, and transfers (in-country) to
which a person listed on the Unverified
List (*See:* Supplement No. 6 to part 744
of the EAR) is a *party to the transaction*,
§ 744.11(a) imposes supplemental
license requirements on exports,
reexports, and transfers (in-country) to
entities listed on the Entity List. Prior to
publication of this final rule, § 744.11
did not explicitly address circumstances
in which a listed entity may be playing
a role other than consignee or end-user
in the transaction, *e.g.*, a purchaser or
intermediate consignee.

However, since the first set of
additions pursuant to § 744.11 on
September 22, 2008 (73 FR 54503),
Entity List rules published through 2019
typically included a sentence in the
Background section of the rules that
described the Entity List license
requirements and limitations on the use
of license exceptions. The purpose of
this sentence was to alert exporters,
reexporters, and transferors that BIS
intended these requirements to apply to
those listed entities when acting as any
party to the transaction. The sentence
specified that,

The license requirements apply to any
transaction in which items are to be
exported, reexported, or transferred (in-
country) to any of the persons or in which
such persons act as purchaser, intermediate
consignee, ultimate consignee, or end-user.

Since 2019, BIS has evaluated how to
revise the EAR to better clarify that
Entity List license requirements, as
specified on the Entity List, are
intended to apply to listed entities
regardless of their role as a party to a
transaction.

This final rule amends the regulatory
text to clarify that Entity List license
requirements apply to entities on the
Entity List, not only when they are party
to a transaction as either an ultimate
consignee or end-user, but also when
they are party as a purchaser or
intermediate consignee.

Consistent with the authority granted
under § 4812(c) of ECRA, BIS is
amending §§ 744.11 and 744.16 of the
EAR and the introductory text of the
Entity List in Supplement No. 4 to part
744 to specify that the Entity List

requirements apply to all entities involved in a transaction subject to the EAR as described in § 748.5(c)–(f) of the EAR. These changes will make clear for exporters, reexporters, and transferors the scope of the Entity List’s licensing requirements to effect the purpose of the Entity List.

As BIS has noted in the answers to frequently asked questions on its website, freight forwarders and other “intermediate consignees” may have access to items subject to the EAR, which creates a risk of diversion when such entities are listed on the Entity List. Similarly, a “purchaser” may coordinate all aspects of the purchase of items subject to the EAR from specifying the exporter, reexporter, or transferor, including designating the ultimate consignee who will receive the goods, to specifying the logistical arrangements made to effect delivery of the items to the ultimate consignee. Accordingly, when a person is listed on the Entity List, that person’s participation as a purchaser or intermediate consignee in an export, reexport, or transfer (in-country) of items subject to the EAR presents a risk that the person’s involvement in a transaction may circumvent the basis for their inclusion on the Entity List.

These clarifications to the Entity List requirements align with other end-user controls under the EAR. Specifically, as noted above, this language revision is consistent with EAR controls pursuant to § 744.15(b), which set forth restrictions applicable to exports, reexports, and transfers (in-country) involving persons listed on the Unverified List. BIS has determined that aligning the language of the Entity List and Unverified List requirements should ease the compliance burden on exporters, reexporters, and transferors because it will eliminate any confusion in interpretation of these two end-user control lists.

Changes Made to the EAR

In this final rule, BIS is revising § 744.11(a) of the EAR to specify that supplemental license requirements for entities included on the Entity List apply regardless of the role that the listed entity has in the transaction (*i.e.*, purchaser, intermediate consignee, ultimate consignee or end-user). The definitions of “purchaser,” “intermediate consignee,” “ultimate consignee,” and “end-user” are defined in § 748.5(c)–(f) and part 772 of the EAR.

Also in § 744.11(a), BIS is removing text indicating that the scope of the license requirements apply only to an entity listed on the Entity List “in an

entry that contains a reference to this section.” BIS is removing this text because it is not consistent with the current practice of including references in Entity List entries to other parts of the EAR that set forth the scope of the supplemental license requirements and license review policies applicable to those entities. This final rule also makes conforming changes to the remainder of § 744.11.

BIS is also revising § 744.16(a) of the EAR, which similarly clarifies that the supplemental license requirements applicable to exports, reexports, and transfers (in-country) to *entities listed on the Entity List*, including on the basis of other sections of parts 744 (*e.g.*, §§ 744.2, 744.3, and 744.4) and 746. In keeping with the revision to § 744.11(a) described above, BIS is also clarifying that the license requirement described in § 744.16(a) applies whenever an entity listed on the Entity List is a party to the transaction as defined in § 748.5(c)–(f) of the EAR.

Finally, BIS is replacing the reference to “items listed in an entry on the Entity List” in § 744.16(a) of the EAR with a reference to the License Requirement column on the Entity List. BIS is making this change because the License Requirement column describes which items subject to the EAR require a license when an entity involved in a transaction is listed on the Entity List.

Export Control Reform Act of 2018

On August 13, 2018, the President signed into law the John S. McCain National Defense Authorization Act for Fiscal Year 2019, which included the Export Control Reform Act of 2018 (ECRA), 50 U.S.C. 4801–4852. ECRA provides the legal basis for BIS’s principal authorities and serves as the authority under which BIS issues this rule.

Rulemaking Requirements

1. Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has been determined to be not significant for purposes of Executive Order 12866. This rule is not an Executive Order 13771 regulatory action

because this rule is not significant under Executive Order 12866.

2. Notwithstanding any other provision of law, no person is required to respond to nor be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This regulation involves collections previously approved by OMB under control number 0694–0088, Simplified Network Application Processing System, which includes, among other things, license applications and carries a burden estimate of 42.5 minutes for a manual or electronic submission. BIS expects this rule will slightly increase the number of license applications required to be submitted to BIS each year by clarifying that the existing Entity List requirements apply to exports, reexports, and transfers (in-country) in which an entity listed on the Entity List acts as any party to the transaction, which will now include when the listed entity is a purchaser or intermediate consignee. BIS estimates the total number of additional license applications will not exceed 25 per year, for a total increase in public burden under OMB control number 0694–0088 of no more than 17 hours and 40 minutes per year. Any comments regarding the collection of information associated with this rule, including suggestions for reducing the burden, may be sent to Jasmeet K. Sehra, Office of Management and Budget (OMB), by email to Jasmeet_K_Sehra@omb.eop.gov, or online at <https://www.reginfo.gov/public/do/PRAMain>.

3. This rule does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

4. Pursuant to § 1762 of the Export Control Reform Act of 2018 (50 U.S.C. 4801–4852), which was included in the John S. McCain National Defense Authorization Act for Fiscal Year 2019, this action is exempt from the Administrative Procedure Act (5 U.S.C. 553) requirements for notice of proposed rulemaking, opportunity for public participation, and delay in effective date.

5. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by 5 U.S.C. 553, or by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, are not applicable. Accordingly, no

regulatory flexibility analysis is required and none has been prepared.

List of Subjects in 15 CFR Part 744

Exports, Reporting and recordkeeping requirements, Terrorism.

Accordingly, part 744 of the Export Administration Regulations (15 CFR parts 730–774) is amended as follows:

PART 744—CONTROL POLICY: END-USE AND END-USER BASED

■ 1. The authority citation for part 744 is revised to read as follows:

Authority: 50 U.S.C. 4801–4852; 50 U.S.C. 4601 *et seq.*; 50 U.S.C. 1701 *et seq.*; 22 U.S.C. 3201 *et seq.*; 42 U.S.C. 2139a; 22 U.S.C. 7201 *et seq.*; 22 U.S.C. 7210; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13099, 63 FR 45167, 3 CFR, 1998 Comp., p. 208; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13224, 66 FR 49079, 3 CFR, 2001 Comp., p. 786; Notice of September 19, 2019, 84 FR 49633 (September 20, 2019); Notice of November 12, 2019, 84 FR 61817 (November 13, 2019).

■ 2. Section 744.11 is amended by revising paragraph (a) to read as follows:

§ 744.11 License requirements that apply to entities acting contrary to the national security or foreign policy interests of the United States.

* * * * *

(a) *License requirement, availability of license exceptions, and license application review policy.* A license is required, to the extent specified on the Entity List, to export, reexport, or transfer (in-country) any item subject to the EAR when an entity that is listed on the Entity List is a party to the transaction as described in § 748.5(c) through (f). License exceptions may not be used unless authorized in the Entity List entry for the entity that is party to the transaction. Applications for licenses required by this section will be evaluated as stated in the Entity List entry for the entity that is party to the transaction, in addition to any other applicable review policy stated elsewhere in the EAR.

* * * * *

■ 3. Section 744.16 is amended by revising paragraph (a) to read as follows:

§ 744.16 Entity List.

* * * * *

(a) *License requirements.* In addition to the license requirements for items specified on the Commerce Control List (CCL), you may not, without a license from BIS, export, reexport, or transfer (in-country) any items included in the

License Requirement column of an entity's entry on the Entity List (supplement No. 4 to this part) when that entity is a party to a transaction as described in § 748.5(c) through (f) of the EAR. The specific license requirement for each listed entity is identified in the license requirement column on the Entity List in Supplement No. 4 to this part.

* * * * *

■ 4. Supplement No. 4 to part 744 is amended by revising the introductory text of the supplement to read as follows:

Supplement No. 4 to Part 744—Entity List

This Supplement lists certain entities subject to license requirements for specified items under this part 744 and part 746 of the EAR. License requirements for these entities include exports, reexports, and transfers (in-country) unless otherwise stated. A license is required, to the extent specified on the Entity List, to export, reexport, or transfer (in-country) any item subject to the EAR when an entity that is listed on the Entity List is a party to the transaction as described in § 748.5(c) through (f). This list of entities is revised and updated on a periodic basis in this Supplement by adding new or amended notifications and deleting notifications no longer in effect.

* * * * *

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

[FR Doc. 2020–17908 Filed 8–17–20; 2:30 pm]

BILLING CODE 3510–33–P

SOCIAL SECURITY ADMINISTRATION

20 CFR Part 426

[Docket No. SSA–2020–0002]

RIN 0960–AI47

Improved Agency Guidance Documents

AGENCY: Social Security Administration.
ACTION: Final rule.

SUMMARY: This final rule explains our process for issuing guidance documents under Executive Order (E.O.) 13891, “Promoting the Rule of Law Through Improved Agency Guidance Documents.” We will follow this process when we issue future guidance documents that meet the criteria set forth in the E.O. and the Office of Management and Budget’s (OMB) guidance on the E.O.

DATES: This final rule will be effective September 21, 2020.

FOR FURTHER INFORMATION CONTACT: Jennifer Dulski, Office of Regulations

and Reports Clearance, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235–6401, (410) 966–2341. For information on eligibility or filing for benefits, call our national toll-free number, 1–800–772–1213 or TTY 1–800–325–0778, or visit our internet site, Social Security Online, at <http://www.socialsecurity.gov>.

SUPPLEMENTARY INFORMATION: On October 9, 2019, President Trump issued E.O. 13891.¹ E.O. 13891 mandates that agencies, consistent with applicable law, finalize regulations, or amend existing regulations as necessary, to explain the process for issuing guidance documents as defined by the E.O. We are publishing this final rule to fulfill E.O. 13891’s requirements.

As defined in E.O. 13891, guidance documents are agency statements of general applicability, intended to have future effect on the behavior of regulated parties, that set forth a policy on a statutory, regulatory, or technical issue, or an interpretation of a statute or regulation. Unless the document falls within an enumerated exclusion to this definition,² any document that satisfies this definition would qualify as a guidance document, regardless of name or format.

The documents that we issue include Program Operations Manual System (POMS) instructions; the Hearings, Appeals and Litigation Law (HALLEX) manual; Social Security Rulings (SSR); and Acquiescence Rulings.³ Most of the documents that we issue do not qualify as guidance documents under E.O. 13891; however, some may. We will use

¹ 84 FR 55235, available at: <https://www.federalregister.gov/documents/2019/10/15/2019-22623/promoting-the-rule-of-law-through-improved-agency-guidance-documents>.

² E.O. 13891 section 2 (b) lists the following as exclusions to the definition of guidance document: (i) Rules promulgated pursuant to notice and comment under section 553 of title 5, United States Code, or similar statutory provisions; (ii) rules exempt from rulemaking requirements under section 553(a) of title 5, United States Code; (iii) rules of agency organization, procedure, or practice; (iv) decisions of agency adjudications under section 554 of title 5, United States Code, or similar statutory provisions; (v) internal guidance directed to the issuing agency or other agencies that is not intended to have substantial future effect on the behavior of regulated parties; and (vi) internal executive branch legal advice or legal opinions addressed to executive branch officials. See 84 FR at 55235–36.

³ See *other written guidelines* in 20 CFR 404.1602 and 416.1002 for more information about POMS and SSRs. See 20 CFR 402.35 for information about where we publish SSRs and ARs. See 20 CFR 404.985 and 416.1485 for more information about ARs. Additionally, our POMS instructions are publicly available at <https://secure.ssa.gov/poms.nsf/Home?readform>, our HALLEX manual is publicly available at https://www.ssa.gov/OP_Home/hallex/hallex.html, and our SSRs and ARs are publicly available at https://www.ssa.gov/OP_Home/rulings/rulings.html.