

Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

- (1) Is not a “significant regulatory action” under Executive Order 12866,
- (2) Will not affect intrastate aviation in Alaska, and
- (3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

- 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

- 2. The FAA amends § 39.13 by adding the following new airworthiness directive:

2021–10–18 Airbus Helicopters

Deutschland GmbH: Amendment 39–1551; Docket No. FAA–2021–0104; Project Identifier MCAI–2020–00477–R.

(a) Effective Date

This airworthiness directive (AD) is effective July 6, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Helicopters Deutschland GmbH Model MBB–BK117 D–2 helicopters, certificated in any category, all serial numbers, having an affected part defined in European Union Aviation Safety Agency (EASA) AD 2020–0084, dated April 3, 2020 (EASA AD 2020–0084).

(d) Subject

Joint Aircraft System Component (JASC) Code 2700, Flight Control System.

(e) Reason

This AD was prompted by reports that collective lever switch units having certain part numbers did not have retaining rings installed in the cable cut switch guard. The cable cut switch guard has an axis that holds, and allows the guard to turn over, the cable cut switch. This axis is secured with two retaining rings and if both retaining rings are missing, the axis can move out. The FAA is issuing this AD to address this condition, which could cause inadvertent activation of the rescue hoist cable cut function, resulting in personal injury.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Requirements

Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2020–0084.

(h) Exceptions to EASA AD 2020–0084

(1) Where EASA AD 2020–0084 refers to its effective date, this AD requires using the effective date of this AD.

(2) The “Remarks” section of EASA AD 2020–0084 does not apply to this AD.

(i) Special Flight Permit

Special flight permits may be issued in accordance with 14 CFR 21.197 and 21.199 to operate the helicopter to a location where the helicopter can be modified (if the operator elects to do so), provided the helicopter is not used for hoist operations.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of the person identified in paragraph (k) of this AD. Information may be emailed to: 9-AVS-AIR-730-AMOC@faa.gov.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(k) Related Information

For more information about this AD, contact Hal Jensen, Aerospace Engineer,

Operational Safety Branch, FAA, 950 L’Enfant Plaza SW, Washington, DC 20024; telephone 202–267–9167; email hal.jensen@faa.gov.

(l) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(i) European Union Aviation Safety Agency (EASA) AD 2020–0084, dated April 3, 2020.

(ii) [Reserved]

(3) For EASA AD 2020–0084, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADs@easa.europa.eu; internet www.easa.europa.eu. You may find this EASA AD on the EASA website at <https://ad.easa.europa.eu>.

(4) You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call 817–222–5110. This material may be found in the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA–2021–0104.

(5) You may view this material that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email fedreg.legal@nara.gov, or go to <https://www.archives.gov/federal-register/cfr/ibr-locations.html>.

Issued on May 5, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–11391 Filed 5–28–21; 8:45 am]

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DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Parts 732 and 734

[Docket No. 210527–0116]

RIN 0694–AF47

Control of Firearms, Guns, Ammunition and Related Articles the President Determines No Longer Warrant Control Under the United States Munitions List (USML); Notifying the Public of the Transfer of Jurisdiction of Certain Technology and Software as a Result of a Vacated March 6, 2020 Injunction

AGENCY: Bureau of Industry and Security, Department of Commerce.

ACTION: Notification of vacated court order.

SUMMARY: The Bureau of Industry and Security (BIS) is publishing this notification to the public concerning the transfer of jurisdiction of certain “software” and “technology” as a result of action by the Court of Appeals for the Ninth Circuit vacating a March 6, 2020 preliminary injunction by the district court 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). Pursuant to that decision, issued on April 27, 2021, the mandate of the Ninth Circuit was issued on May 26, 2021 and district court’s injunction was vacated. This notice also includes guidance to persons with technology or software that was previously retained on the U.S. Munitions List (USML) and controlled under the International Traffic in Arms Regulations (ITAR) pursuant to the March 6 district court order, but which is now subject to the jurisdiction of the Export Administration Regulations (EAR).

DATES: The district court injunction of March 6, 2020 was vacated on May 26, 2021. As of May 26, 2021, the “technology” and “software” that meets the criteria in section 734.7(c) is “subject to the EAR” and is no longer controlled under the ITAR.

FOR FURTHER INFORMATION CONTACT: Steven Clagett, Office of Nonproliferation Controls and Treaty Compliance, Nuclear and Missile Technology Controls Division, tel. (202) 482–1641 or email steven.clagett@bis.doc.gov.

SUPPLEMENTARY INFORMATION:

Court Order of March 6, 2020

On March 6, 2020, the U.S. District Court for the Western District of Washington issued an order preliminarily enjoining the U.S. Department of State from implementing or enforcing the final rule entitled International Traffic In Arms Regulations: 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 firearms or firearm parts using a 3D-printer or similar equipment.” *Washington v. U.S. Dep’t of State* (Case No. 2:20–cv–00111–RA).

Court Order of March 6, 2020 Vacated by Ninth Circuit Decision Issued on April 27, 2021

On April 27, 2021, a panel of the United States Court of Appeals for the Ninth Circuit (Case No. 20–35391) issued a decision that vacated the district court’s order enjoining the

Department of State’s Final Rule removing 3D-printed guns and their associated files from the USML; however, the preliminary injunction remained in effect until the mandate of the Ninth Circuit for this decision was issued on May 26, 2021. Until the entry of the mandate, all persons engaged in manufacturing, exporting, temporarily importing, brokering, or furnishing defense services related to “technical data and software directly related to the production of firearms or firearm parts using a 3D-printer or similar equipment” were required to treat such technical data and software as listed on the USML and controlled by the ITAR.

On May 26, 2021, the mandate of the Ninth Circuit was issued, and the entirety of the Department of State’s final rule published in the **Federal Register** at 85 FR 3819 went into effect.

As a result of the vacatur of the injunction, any request for licenses of “technology” and “software” that fall under the U.S. Department of Commerce regulations, 15 CFR 732.2(b) and 734.7(c) (added by the Commerce January 23, 2020 rule, entitled Control of Firearms, Guns, Ammunition and Related Articles the President Determines No Longer Warrant Control Under the USML; 85 FR 4136, Jan. 23, 2020), should be directed to the U.S. Department of Commerce because this “technology” and “software” are subject to the Export Administration Regulations (EAR).

BIS strongly encourages any person with “technology” or “software” that may meet the criteria in section 734.7(c) of the EAR to review those provisions in the Commerce January 23, 2020 rule closely, as well as all other applicable EAR provisions. In anticipation of the dismissal of the case, BIS updated Frequently Asked Questions (FAQs) posted on the BIS website to add twelve FAQs to assist public understanding of section 734.7(c), including addressing application questions. These FAQs are available on the BIS website at <https://www.bis.doc.gov/index.php/documents/policy-guidance/2572-faqs-for-the-commerce-category-i-iii-firearms-rule-posted-on-bis-website-7-7-20/file>. For instance, those FAQs make clear that a BIS license is required prior to posting on the internet of “any file, including any CAD file, that can be processed by a software program into an electronic format, such as a CAM file, with no or minimal additional information or manipulation from the operator(s), and that . . . once converted will be in an executable code for the production of a firearm frame or receiver or complete firearm.”

BIS also strongly encourages any person with questions regarding section 734.7(c), which they believe are not addressed sufficiently in the FAQs on the BIS website, to contact BIS for additional guidance. See the BIS contact information under the For Further Information Contact section of this notice. In addition, if a person is unsure whether the criteria of section 734.7(c) are met, including whether the “technology” or “software” is ready for insertion into a computer numerically controlled machine tool, additive manufacturing equipment, or any other equipment, persons with such “technology” or “software” can submit an official classification request to BIS using the free online submission system, called SNAP–R, available on the BIS website, to receive an official classification of the “technology” or “software.” For additional information on SNAP–R, see <https://www.bis.doc.gov/index.php/licensing/simplified-network-application-process-redesign-snap-r/getting-started-with-snap-r>. The person submitting the official classification should note in the classification request that the classification is being submitted to determine whether the “technology” or “software” meets the criteria in section 734.7(c).

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

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DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Part 744

[Docket No. 210514–0106]

RIN 0694–A149

Addition of Entities, Revision of Entries, and Removal of Entity From the Entity List; and Revision of Entry and Removal of Entity From the Military End-User List (MEU)

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: In this rule, the Bureau of Industry and Security (BIS) amends the Export Administration Regulations (EAR) by adding eight entities to the Entity List. These eight entities have been determined by the U.S. Government to be acting contrary to the national security or foreign policy interests of the United States. These