

available only to employees or authorized persons of air carriers or their agents or only for travel on the business of the carriers; and an infant who does not occupy a seat. (This definition is for 14 CFR part 298 traffic reporting purposes and may differ from the definitions used in other parts by the Federal Aviation Administration and the Transportation Security Administration for the collection of Passenger Facility Charges and Security Fees.) The definition includes, but is not limited to, the following examples of passengers when traveling free or pursuant to token charges:

(1) Directors, officers, employees, and others authorized by the air carrier operating the aircraft;

(2) Directors, officers, employees, and others authorized by the air carrier or another carrier traveling pursuant to a pass interchange agreement;

(3) Travel agents being transported for the purpose of familiarizing themselves with the carrier's services;

(4) Witnesses and attorneys attending any legal investigation in which such carrier is involved;

(5) Persons injured in aircraft accidents, and physicians, nurses, and others attending such persons;

(6) Any persons transported with the object of providing relief in cases of general epidemic, natural disaster, or other catastrophe;

(7) Any law enforcement official, including any person who has the duty of guarding government officials who are traveling on official business or traveling to or from such duty;

(8) Guests of an air carrier on an inaugural flight or delivery flights of newly-acquired or renovated aircraft;

(9) Security guards who have been assigned the duty to guard such aircraft against unlawful seizure, sabotage, or other unlawful interference;

(10) Safety inspectors of the National Transportation Safety Board or the FAA in their official duties or traveling to or from such duty;

(11) Postal employees on duty in charge of the mails or traveling to or from such duty;

(12) Technical representatives of companies that have been engaged in the manufacture, development or testing of a particular type of aircraft or aircraft equipment, when the transportation is provided for the purpose of in-flight observation and subject to applicable FAA regulations;

(13) Persons engaged in promoting air transportation;

(14) Air marshals and other Transportation Security officials acting in their official capacities and while

traveling to and from their official duties; and

(15) Other authorized persons, when such transportation is undertaken for promotional purpose.

\* \* \* \* \*

*Revenue passenger* means a passenger for whose transportation an air carrier receives commercial remuneration. (This definition is for 14 CFR part 298 traffic reporting purposes and may differ from the definitions used in other parts by the Federal Aviation Administration and the Transportation Security Administration for the collection of Passenger Facility Charges and Security Fees.) This includes, but is not limited to, the following examples:

(1) Passengers traveling under publicly available tickets including promotional offers (for example two-for-one) or loyalty programs (for example, redemption of frequent flyer points);

(2) Passengers traveling on vouchers or tickets issued as compensation for denied boarding or in response to consumer complaints or claims;

(3) Passengers traveling at corporate discounts;

(4) Passengers traveling on preferential fares (Government, seamen, military, youth, student, etc.);

(5) Passengers traveling on barter tickets; and

(6) Infants traveling on confirmed-space tickets.

\* \* \* \* \*

Issued in Washington, DC on September 10, 2002.

**Read C. Van de Water,**

*Assistant Secretary for Aviation and International Affairs, Office of the Secretary.*

**Ashish Sen,**

*Director, Bureau of Transportation Statistics.*

[FR Doc. 02-23614 Filed 9-17-02; 8:45 am]

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## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

#### 15 CFR Part 774

[Docket No. 020830206-2206-01]

RIN 0694-AC51

#### Missile Technology Production Equipment and Facilities

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

**ACTION:** Final rule.

**SUMMARY:** To clarify Department of Commerce controls, Commerce is revising the language contained in Export Control Classification Numbers

(ECCNs) 1B115, 1B117, 9B115, and 9B116 to reflect that all missile technology (MT) production equipment and facilities are controlled on the Commerce Control List (CCL) of the Export Administration Regulations (EAR).

**DATES:** This rule is effective: September 18, 2002.

#### FOR FURTHER INFORMATION CONTACT:

Steve Clagett, Director, Nuclear and Missile Technology Controls Divisions, Bureau Industry and Security, Telephone: (202) 482-1641.

#### SUPPLEMENTARY INFORMATION

##### Background

Since 1998, ECCNs 1B115, 1B117, 9B115 and 9B116, have referred exporters to the International Traffic in Arms Regulations (ITAR), administered by the Department of State, Office of Defense Trade Controls, for licensing requirements for equipment specially designed for production of MT items subject to the ITAR. This rule clarifies that all production equipment for MT items, described in ECCNs 1B115, 1B117, 9B115 and 9B116, is subject to the EAR and controlled on the CCL. The Departments of Commerce, State and Defense are currently reviewing the control jurisdiction for specific items of equipment specially designed for the production of certain MT items that are subject to the ITAR. This review may result in future revisions to the EAR and the ITAR with respect to specific items of specially designed MT production equipment.

*Specifically, the following changes are made to the following ECCNs:*

1B115: Notes 1 and 2 are removed from the Related Controls paragraph of the List of Items Controlled section.

1B117: Notes 2 and 4 are removed from the Related Controls paragraph of the List of Items Controlled section.

9B115 and 9B116: The heading is revised and License Requirements, License Exceptions, and List of Items Controlled sections are added.

Although the Export Administration Act expired on August 20, 2001, Executive Order 13222 of August 17, 2001 (66 FR 44025, August 22, 2001), as extended by the Notice of August 14, 2002 (67 FR 53721, August 16, 2002), continues the Regulations in effect under the International Emergency Economic Powers Act.

#### Rulemaking Requirements

1. This final rule has been determined to be not significant for purposes of E.O. 12866.

2. Notwithstanding any other provision of law, no person is required

to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid Office of Management and Budget Control Number. This rule involves a collection of information subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). This collection has been approved by the Office of Management and Budget under control number 0694-0088, "Multi-Purpose Application," which carries a burden hour estimate of 45 minutes for a manual submission and 40 minutes for an electronic submission.

3. This rule does not contain policies with Federalism implications as this term is defined under E.O. 13132.

4. The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a military and foreign affairs function of the United States (5 U.S.C. 553(a)(1)). Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this interim rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under the Administrative Procedure Act or by any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable. Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis. Comments should be submitted to Matthew Blaskovich, Office of Exporter Services, Bureau of Industry and Security, Department of Commerce, P.O. Box 273, Washington, D.C. 20044, or [mblaskov@bis.doc.gov](mailto:mblaskov@bis.doc.gov).

#### List of Subjects in 15 CFR Part 774

Exports, Foreign trade.

Accordingly, part 774 of the Export Administration Regulations (15 CFR parts 730-799) is amended as follows:

#### PART 774—[AMENDED]

1. The authority citation for 15 CFR part 774 is revised to read as follows:

**Authority:** 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 10 U.S.C. 7420; 10 U.S.C. 7430(e); 18 U.S.C. 2510 *et seq.*; 22 U.S.C. 287c; 22 U.S.C. 3201 *et seq.*; 22 U.S.C. 6004; 30 U.S.C. 185(s); 185(u); 42 U.S.C. 2139a; 42 U.S.C. 6212; 43 U.S.C. 1354; 46 U.S.C. app.

466c; 50 U.S.C. app. 5; Sec. 901-911, Pub. L. 106-387; Sec. 221, Pub. L. 107-56; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 14, 2002, 67 FR 53721, August 16, 2002.

2. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1—Materials, Chemicals, Microorganisms, and Toxins, Export Control Classification Number (ECCN) 1B115 is amended by revising the List of Items Controlled section, and ECCN 1B117 is amended by revising the Related Controls paragraph in the List of Items Controlled section, to read as follows:

**1B115 "Production equipment" for the production, handling or acceptance testing of liquid propellants or propellant constituents controlled by 1C011, 1C111 or on the U.S. Munitions List, and specially designed components therefor.**

\* \* \* \* \*

#### List of Items Controlled

*Unit:* Equipment in number; components in \$ value

*Related Controls:* N/A

*Related Definitions:* N/A

*Items:* The list of items controlled is contained in the ECCN heading.

\* \* \* \* \*

**1B117 "Production equipment", as follows (see List of Items Controlled), for the production, handling or acceptance testing of solid propellants or propellant constituents controlled by 1C011, 1C111 or on the U.S. Munitions List.**

\* \* \* \* \*

#### List of Items Controlled

*Unit:* \* \* \*

*Related Controls:* 1.) See also 1B115. 2.) This entry does not control equipment for the "production", handling and acceptance testing of boron carbide.

*Related Definitions:* \* \* \*

*Items:*

\* \* \* \* \*

3. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Propulsion Systems, Space Vehicles and Related Equipment, Export Control Classification numbers (ECCNs) 9B115 and 9B116 are revised to read as follows:

**9B115 Specially designed "production equipment" for the systems, subsystems and components controlled by 9A004 to 9A009, 9A011, 9A101, 9A104 to 9A109, 9A111, 9A116 to 9A119.**

#### License Requirements

*Reason for Control:* MT, AT

Control(s)	Country chart
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:* Equipment in number; components in \$ value

*Related Controls:* Although items described in ECCNs 9A004 to 9A009, 9A101, 9A104 to 9A109; 9A111, 9A116 to 9A119 are subject to the export licensing authority of the Department of State, Office of Defense Trade Controls (22 CFR part 121), the "production equipment" controlled in this entry that is related to these items is subject to the export licensing authority of BIS.

*Items:* The list of items controlled is contained in the ECCN heading.

**9B116 Specially designed "production facilities" for the systems, subsystems, and components controlled by 9A004 to 9A009, 9A011, 9A101, 9A104 to 9A109, 9A111, 9A116 to 9A119.**

#### License Requirements

*Reason for Control:* MT, AT

Control(s)	Country chart
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:* Equipment in number; components in \$ value

*Related Controls:* Although items described in ECCNs 9A004 to 9A009, 9A101, 9A104 to 9A109; 9A111, 9A116 to 9A119 are subject to the export licensing authority of the Department of State, Office of Defense Trade Controls (22 CFR part 121), the "production equipment" controlled in this entry that is related to these items is subject to the export licensing authority of BIS.

*Items:* The list of items controlled is contained in the ECCN heading.

\* \* \* \* \*

Dated: September 11, 2002.

**James J. Jochum,**

*Assistant Secretary for Export Administration.*

[FR Doc. 02-23716 Filed 9-17-02; 8:45 am]

BILLING CODE 3510-33-P

## DEPARTMENT OF STATE

### 22 CFR Part 41

[Public Notice 4121]

#### **Visas: Documentation of Nonimmigrants Under the Immigration and Nationality Act, as Amended: Transitional Foreign Student Monitoring Program**

**AGENCY:** Department of State.

**ACTION:** Interim rule; with request for comments.

**SUMMARY:** This rule creates an electronic system known as the "Interim Student and Exchange Authentication System" (ISEAS) for monitoring the visa adjudication process and visa issuances to foreign students and exchange visitors who enter the United States in F-1, M-1, or J-1 nonimmigrant visa categories. Recent legislation requires ISEAS to be operational by September 11, 2002. ISEAS will remain in operation until the foreign student monitoring system being developed by the INS is fully operational. The Department, the INS, approved institutions of higher education or other approved educational institutions, and exchange visitor program sponsors will use the ISEAS database for the collection and transmission of information pertaining to foreign student and exchange visitor visa applicants to ensure compliance with the legislation.

**DATES:** Effective date: This interim rule is effective on September 11, 2002. Comment date: Written comments must be submitted on or before November 18, 2002.

**ADDRESSES:** Submit comments in duplicate to Chief, Legislation and Regulations Division, Visa Services, Department of State, 20520-0106. Comments may also be forwarded via e-mail to [VisaRegs@state.gov](mailto:VisaRegs@state.gov) or faxed to 202-663-3898.

**FOR FURTHER INFORMATION CONTACT:** Nancy Altman, Legislation and Regulations Division, Visa Services, Department of State, Washington, DC 20520-0106, 202-261-8040.

**SUPPLEMENTARY INFORMATION:**

#### **What Is the Background for This Action?**

On May 14, 2002, the President signed into law the "Enhanced Border Security and Visa Entry Reform Act of 2002" (Border Security Act), Public Law 107-173, section 501 of the Border Security Act addresses the need to improve our ability to track foreign students while in the United States. Section 501(a) expands the Attorney General's responsibilities for monitoring and verification requirements established for students and exchange visitors by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IRRIRA), Public Law 101-649. An electronic information collection and tracking system is being developed by the INS pursuant to these responsibilities (known as the "Student and Exchange Visitor Information system" (SEVIS)) and is required to be fully implemented by January 1, 2003.

Section 501(c) of the Border Security Act requires the establishment by the Department of an interim program for the electronic monitoring of foreign student and exchange visitor visa issuance, admission to the United States, and enrollment until SEVIS is fully operational. The interim system, known as ISEAS, will be the means by which the Department, INS, approved educational and vocational institutions and exchange visitor programs meet the legislative requirements under 501(c). Subject to a thirty to sixty day phase-in and testing period, ISEAS will become operational on September 11, 2002.

While section 501(c) of the Act only mandates its application to exchange visitors seeking to attend approved institutions of higher education, the Department has determined to make ISEAS requirements identical to SEVIS requirements regarding the participation of all exchange visitor applicants. The Department also believes that this determination more accurately reflects the intent of Congress as expressed in the USA PATRIOT Act and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, both of which contain provisions relating to the electronic monitoring of students and exchange visitors. Thus, all exchange visitor visa applications will be subject to ISEAS verification.

#### **Why Is This Action Being Taken?**

In light of national security concerns, Congress has mandated an interim electronic system to monitor aliens seeking to enter the United States under the F, M, or J nonimmigrant visa categories. Until SEVIS is fully implemented, ISEAS will facilitate the

collection and transmission of student and exchange visitor applicant data by the Department, the INS, approved educational and other educational institutions, and exchange visitor programs to ensure that visa requirements are met before student or exchange visitor visas are issued and that students and exchange visitors, in fact, enroll in the institutions and programs that formed the basis of their visa classifications.

#### **When Must Officials Designated by Institutions and Programs Begin To Use ISEAS?**

##### *Will There Be a Phase-in Period?*

ISEAS will be available to officials designated by institutions and programs beginning September 11, 2002. These officials should begin entering student and exchange visitor data into the ISEAS database on that date. However, it will not be fully operational for an additional thirty to sixty days after September 11. Therefore, during this phase-in and testing period, entry of data into ISEAS may not guarantee that a consular officer will receive the data electronically. In view of that fact and because no student or exchange visitor visas can be issued on or after September 11 unless the Department receives "electronic evidence of documentation of the alien's acceptance," the Department has devised back-up procedures to ensure that consular officers receive timely electronic verification of enrollment from the sponsoring institutions and programs during the first month or two before ISEAS is fully operational.

Instructions have been sent to all consular posts advising consular officers that if no data has been entered into or a consular officer cannot access data from ISEAS, the officer must send an email inquiry directly to the sponsoring institution or program office and request email confirmation of the student's or exchange visitor's enrollment. Our officers in many cases may be able to obtain email addresses using internet search engines or from the visa applicant directly. The Department also is creating lists of institutional and program web pages, and will be available to assist consular officers in locating email addresses. If a consular officer cannot obtain the electronic verification directly, the Visa Office will seek to obtain it from the sponsoring institution through the Department's internet or email resources.

Thus, admissions offices of all institutions and the acceptance offices of all exchange visitor program sponsors should be aware of the possibility that