

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 made a determination to remove Neda Kargar, located in the United Arab Emirates, as a result of her request for removal from the listed entity. Based upon the review of the information provided in the removal request in accordance with § 744.16 (Procedure for Requesting Removal or Modification of an Entity List Entry), and further review that was conducted by the ERC's member agencies, the ERC determined that Neda Kargar should be removed from the Entity List. The ERC decision to remove Neda Kargar took into account information indicating that she did not work at the location listed in her entry on the Entity List, her cooperation with the U.S. Government, and as her assurances of future compliance with the EAR. In accordance with § 744.16(c), the Deputy Assistant Secretary for Export Administration has sent written notification to Neda Kargar informing her of the ERC's decision to remove her from the Entity List. This final rule implements the decision to remove this U.A.E. person from the Entity List.

#### Removal From the Entity List

One person is being removed under this rule as a result of the submission of a formal request for removal based upon the procedures outlined in § 744.16 of the EAR. This entity is located in the United Arab Emirates:

#### United Arab Emirates

(1) *Neda Kargar*, No. 308, 3rd Floor, Rafi Center, Al Nakheel, Deira, Dubai, U.A.E.

The removal of Neda Kargar from the Entity List (from the U.A.E., as described above) eliminates the existing license requirement in Supplement No. 4 to part 744 for exports, reexports and transfers (in-country) to this person. However, the removal of Neda Kargar from the Entity List does not relieve persons of other obligations under part 744 of the EAR or under other parts of the EAR. Neither the removal of a person from the Entity List nor the removal of Entity List-based license requirements relieves persons of their obligations under General Prohibition 5 in § 736.2(b)(5) of the EAR which provides that, "you may not, without a license, knowingly export or reexport any item subject to the EAR to an end-user or end-use that is prohibited by part 744 of the EAR." Nor do such removals relieve persons of their obligation to apply for export, reexport

or in-country transfer licenses required by other provisions of the EAR. BIS strongly urges the use of Supplement No. 3 to part 732 of the EAR, "BIS's 'Know Your Customer' Guidance and Red Flags," when persons are involved in transactions that are subject to the EAR.

Although the Export Administration Act expired on August 20, 2001, the President, through Executive Order 13222 of August 17, 2001, 3 CFR, 2001 Comp., p. 783 (2002), as extended by the Notice of August 13, 2009 (74 FR 41325 (August 14, 2009)), has continued the Export Administration Regulations in effect under the International Emergency Economic Powers Act.

#### Rulemaking Requirements

1. This rule has been determined to be not significant for purposes of 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.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This regulation involves collections previously approved by the OMB under control numbers 0694-0088, "Multi-Purpose Application," which carries a burden hour estimate of 58 minutes to prepare and submit form BIS-748. Miscellaneous and recordkeeping activities account for 12 minutes per submission. Total burden hours associated with the Paperwork Reduction Act and Office and Management and Budget control number 0694-0088 are expected to decrease slightly as a result of this rule.

3. This rule does not contain policies with Federalism implications as that term is defined in Executive Order 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 or foreign affairs function of the United States. (See 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 rule. 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.

#### 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—[AMENDED]

■ 1. The authority citation for 15 CFR part 744 continues to read as follows:

**Authority:** 50 U.S.C. app. 2401 *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. 12947, 60 FR 5079, 3 CFR, 1995 Comp., p. 356; 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 August 13, 2009, 74 FR 41325 (August 14, 2009); Notice of November 10, 2008, 73 FR 67097 (November 12, 2008).

#### Supplement No. 4 to Part 744 [Amended]

■ 2. Supplement No. 4 to part 744 is amended by removing under the United Arab Emirates, this one U.A.E. entity "Neda Kargar, No. 308, 3rd Floor, Rafi Center, Al Nakheel, Deira, Dubai, U.A.E."

Dated: December 11, 2009.

**Matthew S. Borman,**

*Deputy Assistant Secretary for Export Administration.*

[FR Doc. E9-30480 Filed 12-22-09; 8:45 am]

BILLING CODE 3510-33-P

## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

#### 15 CFR Part 748

[Docket No. 0911051394-91397-01]

RIN 0694-AE77

#### Authorization Validated End-User: Amendment to Existing Validated End-User Authorizations in the People's Republic of China (PRC) and India

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

**ACTION:** Final rule.

**SUMMARY:** In this final rule, the Bureau of Industry and Security (BIS) amends the Export Administration Regulations (EAR) to suspend the availability of Authorization Validated End-User

(VEU) status for any export, reexport, or transfer (in-country) of items subject to the EAR to Aviza Technology China, a VEU in the People's Republic of China (PRC/China) and to GE India's GE Fanuc Systems PVT Ltd facility in India. VEU status was provided to the PRC company in an April 2009 final rule published in the **Federal Register**, and to the eligible facility of the Indian company in a July 2009 final rule published in the **Federal Register**.

BIS is suspending the availability of Authorization VEU for exports, reexports, and transfers (in-country) due to material changes at the companies, consistent with the authorization's eligible end-user provisions. Suspension of the availability of Authorization VEU in this amendment is not the result of prohibited activities by the two companies. This amendment does not otherwise create a *new* license requirement or adversely affect the licensing policy for exports, reexports or transfers of items to the company and facility identified in this rule.

**DATES:** This rule is effective December 23, 2009.

**ADDRESSES:** Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis. You may submit comments, identified by RIN 0694-AE77 (VEUAVIZAGE), by any of the following methods:

*E-mail:* [publiccomments@bis.doc.gov](mailto:publiccomments@bis.doc.gov). Include "RIN 0694-AE77 (VEUAVIZAGE)" in the subject line of the message.

*Fax:* (202) 482-3355. Please alert the Regulatory Policy Division, by calling (202) 482-2440, if you are faxing comments.

*Mail or Hand Delivery/Courier:* Sheila Quarterman, U.S. Department of Commerce, Bureau of Industry and Security, Regulatory Policy Division, 14th St. & Pennsylvania Avenue, NW., Room 2705, Washington, DC 20230, *Attn:* RIN 0694-AE77 (VEUAVIZAGE).

Send comments regarding the collection of information associated with this rule, including suggestions for reducing the burden, to Jasmeet Seehra, Office of Management and Budget (OMB), by e-mail to [Jasmeet\\_K\\_Seehra@omb.eop.gov](mailto:Jasmeet_K_Seehra@omb.eop.gov), or by fax to (202) 395-7285. Comments on this collection of information should be submitted separately from comments on the final rule (i.e., RIN 0694-AE77 (VEUAVIZAGE))—all comments on the matter should be submitted by one of the three methods outlined above.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth Scott Sangine, Acting Chair, End-User Review Committee, Bureau of

Industry and Security, U.S. Department of Commerce, 14th St. & Pennsylvania Avenue, NW., Room 2705, Washington, DC 20230; by telephone (202) 482-3343, or by e-mail to [bscott@bis.doc.gov](mailto:bscott@bis.doc.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

BIS amended the EAR in a final rule published in the **Federal Register** on June 19, 2007 (72 FR 33646) to create a new Authorization Validated End-User (VEU). Authorization VEU allows the export, reexport or transfer (in-country) of certain specified items (including commodities, software and technology, except for those controlled for missile technology or crime control reasons) to approved civil end-users located in eligible destinations under a general authorization instead of under multiple individual licenses. Authorization VEU is described in § 748.15 of the EAR. The June 19 rule also identified China as the initial eligible destination for shipments under the authorization; BIS identified India as an eligible destination in an October 1, 2007 final rule (72 FR 56010).

In a rule published in the **Federal Register** on April 29, 2009 (74 FR 19382), BIS designated Aviza Technology China (Aviza) as a VEU, thus authorizing certain specific exports, reexports and transfers (in-country) to the listed facilities of the company under Authorization VEU. On July 2, 2009, BIS designated GE India as a VEU (74 FR 31620); GE India's listing included its GE Fanuc Systems PVT Ltd. (GE Fanuc) facility as an "Eligible Destination," and listed specific items that could be exported, reexported or transferred (in-country) to the GE Fanuc facility under Authorization VEU. Prior to publication of this rule, Aviza and GE India's GE Fanuc facility were listed in Supplement No. 7 to Part 748 of the EAR (Supplement No. 7 to Part 748—Authorization Validated End-User (VEU): List of Validated End-Users, Respective Eligible Items and Eligible Destinations).

In this final rule, BIS amends the EAR to suspend, until further notice, the authority of any person to export, reexport, or transfer (in-country) any items subject to the EAR under Authorization VEU to Aviza and to the GE Fanuc facility in India. BIS is suspending the availability of Authorization VEU for Aviza and the GE Fanuc facility due to material changes at the companies, consistent with § 748.15 of the EAR.

Suspension of the availability of Authorization VEU in this amendment is not the result of prohibited activities by the two companies. This amendment

does not otherwise create a *new* license requirement or adversely affect the licensing policy for exports, reexports or transfers of items to the company and facility identified in this rule.

This amendment applies only to transactions under Authorization VEU involving Aviza and the GE Fanuc facility in India, which were previously identified in Supplement No. 7 to Part 748 of the EAR. This amendment does not apply to other companies or facilities in China or India that may be designated as eligible under Authorization VEU. License requirements and other provisions of the EAR continue to apply to exports, reexports, or transfers (in-country) to Aviza in China and the GE Fanuc facility in India. Additionally, all conditions and restrictions that applied to transactions involving Aviza or the GE Fanuc facility pursuant to Authorization VEU prior to the effective date of this amendment continue to apply. These restrictions and conditions include any that were imposed on either company in connection with its eligibility for Authorization VEU, as communicated by BIS in the initial letter that granted each company VEU status.

Since August 21, 2001, the Export Administration Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp., p. 783 (2002)), as extended most recently by the Notice of August 13, 2009 (74 FR 41325 (August 14, 2009)), has continued the EAR in effect under the International Emergency Economic Powers Act. BIS continues to carry out the provisions of the Act, as appropriate and to the extent permitted by law, pursuant to Executive Order 13222.

##### Saving Clause

Shipments of items removed from eligibility for export, reexport or transfer under Authorization VEU as a result of this regulatory action that were on dock for loading, on lighter, laden aboard an exporting carrier, or en route aboard a carrier to a port of export, on December 23, 2009, pursuant to actual orders for export or reexport to a foreign destination, may proceed to that destination under the previously applicable authorization so long as they are exported, reexported or transferred before January 6, 2010. Any such items not actually exported or reexported before midnight, on January 6, 2010, require a license in accordance with this regulation.

## Rulemaking Requirements

1. This final rule has been determined to be not significant for purposes of Executive Order 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 of 1995 (PRA), 44 U.S.C. 3501 *et seq.*, unless that collection of information displays a currently valid OMB Control Number. This regulation involves information collections previously approved by the OMB under control number 0694–0088, “Multi-Purpose Application”, which carries a burden hour estimate of 58 minutes to prepare and submit form BIS–748, and which involves requirements in connection with Authorization Validated End-User. This rule is expected to result in an increase in license applications submitted to BIS. Total burden hours associated with the PRA and OMB control number 0694–0088 are not expected to increase significantly as a result of this rule.

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

4. The provisions of the Administrative Procedure Act requiring notice of proposed rulemaking, the opportunity for public participation, and a delay in effective date, are inapplicable to this rule 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 final 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 may be submitted to Sheila Quarterman, Regulatory Policy Division, Bureau of Industry and Security, Department of Commerce, 14th St. & Pennsylvania Avenue, NW., Room 2705, Washington, DC 20230.

## List of Subjects in 15 CFR Part 748

Administrative practice and procedure, Exports, Reporting and recordkeeping requirements.

■ Accordingly, part 748 of the Export Administration Regulations (15 CFR parts 730–774) is amended as follows:

### PART 748—[AMENDED]

■ 1. The authority citation for 15 CFR part 748 continues to read as follows:

**Authority:** 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 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 13, 2009, 74 FR 41325 (August 14, 2009).

### Supplement No. 7 to Part 748 [Amended]

■ 2. Supplement No. 7 to part 748 (Authorization Validated End-User (VEU): List of Validated End-Users, Respective Eligible Items and Eligible Destinations) is amended by:

■ a. Removing the entry for Aviza Technology China from the “Validated End-User,” “Eligible Items (By ECCN),” and “Eligible Destination” columns; and

■ b. Removing the entry for GE Fanuc Systems PVT Ltd. from the “Eligible Items (by ECCN)” and “Eligible Destination” columns associated with the VEU GE India.

Dated: December 18, 2009.

**Matthew S. Borman,**

*Deputy Assistant Secretary for Export Administration.*

[FR Doc. E9–30487 Filed 12–22–09; 8:45 am]

**BILLING CODE 3150–33–P**

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## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Parts 1 and 54

[TD 9472]

RIN 1545–BG48

#### Notice Requirements for Certain Pension Plan Amendments Significantly Reducing the Rate of Future Benefit Accrual; Correction

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Correction to final regulations.

**SUMMARY:** This document contains a correction to final regulations (TD 9472) that were published in the **Federal Register** on Tuesday, November 24, 2009 (74 FR 61270) providing guidance relating to the application of the section 204(h) notice requirements to a pension plan amendment that is permitted to

reduce benefits accrued before the plan amendment’s applicable amendment date.

**DATES:** This correction is effective on December 23, 2009, and is applicable on November 24, 2009.

**FOR FURTHER INFORMATION CONTACT:** Pamela R. Kinard, (202) 622–6060 (not a toll-free number).

#### SUPPLEMENTARY INFORMATION:

##### Background

The final regulations (TD 9472) that are the subject of this document are under sections 411(d)(6) and 4980F of the Internal Revenue Code.

##### Need for Correction

As published, the final regulations (TD 9472) contain an error that may prove to be misleading and is in need of clarification.

##### Correction of Publication

Accordingly, the publication of the final regulations (TD 9472), which were the subject of FR Doc. E9–28078, is corrected as follows:

On page 61275, column 3, in the preamble, under the paragraph heading “Effective/Applicability Dates”, lines 4 and 5 from the bottom of first paragraph of the column, the language “(available on the IRS Web site at <http://www.irs.gov/pub/irs-drop/a-09-82.pdf>),” is removed and replaced with the language “(2009–48 IRB 720) See § 601.601(d)(2)(ii)(b),” in its place.

**LaNita Van Dyke,**

*Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration).*

[FR Doc. E9–30535 Filed 12–22–09; 8:45 am]

**BILLING CODE 4830–01–P**

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## DEPARTMENT OF THE TREASURY

### Fiscal Service

#### 31 CFR Part 285

RIN 1510–AB19

#### Debt Collection Authorities Under the Debt Collection Improvement Act of 1996

**AGENCY:** Financial Management Service, Fiscal Service, Treasury.

**ACTION:** Final rule.

**SUMMARY:** This final rule adopts the interim rule, published in the **Federal Register** on June 11, 2009, concerning the time limitation on the collection of nontax debts by centralized offset.

**DATES:** This rule is effective December 23, 2009.