

license exception or without a license (i.e., under the designator "NLR") 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 March 24, 2010, pursuant to actual orders for export or reexport to a foreign destination, may proceed to that destination under the previously applicable license exception or without a license (NLR) so long as they are exported or reexported before April 8, 2010. Any such items not actually exported or reexported before midnight, on April 8, 2010, require a license in accordance with this regulation.

"Deemed" exports of "technology" and "source code" removed from eligibility for export under a license exception or without a license (under the designator "NLR") as a result of this regulatory action may continue to be made under the previously available license exception or without a license (NLR) before April 8, 2010. Beginning at midnight on April 8, 2010, such "technology" and "source code" may no longer be released, without a license, to a foreign national subject to the "deemed" export controls in the EAR when a license would be required to the home country of the foreign national in accordance with this regulation.

Rulemaking Requirements

1. This rule has been determined to be 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 (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 rule contains a collection of information subject to the requirements of the PRA. This collection has been approved by 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. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Jasmeet Sehra, Office of Management and Budget (OMB), and to the Regulatory Policy Division, Bureau of Industry and Security, Department of Commerce, as indicated in the ADDRESSES section 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 and foreign affairs function of the United States (Sec. 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 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.

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.

List of Subjects in 15 CFR Part 774

Exports, Foreign trade, Reporting and recordkeeping requirements.

Accordingly, Part 774 of the Export Administration Regulations (15 CFR Parts 730-774) is amended as follows:

PART 774—[AMENDED]

1. The authority citation for 15 CFR Part 774 continues 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); 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; 22 U.S.C. 7201 et seq.; 22 U.S.C. 7210; 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).

2. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 1—Materials, Chemicals, "Microorganisms" & "Toxins," ECCN 1C360 is amended by revising paragraph (c) under "Items" in the List of Items Controlled to read as follows:

Supplement No. 1 to Part 774—The Commerce Control List

* * * * *
1C360 Select agents not controlled under ECCN 1C351, 1C352, or 1C354.
* * * * *

List of Items Controlled

Unit: * * *
Related Controls: * * *
Related Definitions: * * *

Items:

- * * * * *
- c. Plant pathogens, as follows:
 - c.1. Bacteria, as follows:
 - c.1.a. *Rathayibacter toxicus*;
 - c.1.b. *Xylella fastidiosa* pv. *citrus variegated chlorosis* (CVC);
 - c.2. Fungi, as follows:
 - c.2.a. *Peronosclerospora philippinensis* (a.k.a. *Peronosclerospora sacchari*);
 - c.2.b. *Sclerophthora rayssiae* var. *zeae*;
 - c.2.c. *Synchytrium endobioticum*;
 - c.2.d. *Phoma glycinicola* (formerly *Pyrenochaeta glycinis*).
- * * * * *

3. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 1—Materials, Chemicals, "Microorganisms" & "Toxins," ECCN 1E998 is amended by revising the ECCN heading to read as follows:

1E998 "Technology" for the "development" or "production" of processing equipment controlled by 1B999, and materials controlled by 1C996, 1C997, 1C998, or 1C999.

* * * * *
Dated: February 16, 2010.
Matthew S. Borman,

Deputy Assistant Secretary for Export Administration.

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BILLING CODE 3510-33-P

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1130

Requirements for Consumer Registration of Durable Infant or Toddler Products; Correction

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule; correction.

SUMMARY: The Consumer Product Safety Commission ("Commission") is correcting a final rule that appeared in the **Federal Register** of December 29, 2009 (74 FR 68668). The document issued a final rule under section 104(d) of the Consumer Product Safety Improvement Act of 2008 ("CPSIA") requiring manufacturers of durable infant or toddler products to establish and maintain a system for consumers to register their products with the manufacturer.

DATES: The correction will become effective on June 28, 2010.

FOR FURTHER INFORMATION CONTACT: Marc Schoem, Deputy Director, Office of

Compliance and Field Operations, Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814; telephone (301) 504-7520; mschoem@cpsc.gov.

SUPPLEMENTARY INFORMATION: In FR Doc. E9-30485 appearing on page 68668 in the **Federal Register** of Tuesday, December 29, 2009, there was a discrepancy between the text describing the registration form and the figures illustrating the form. The regulatory text reversed the location of information on the bottom of the form. To address this, the following corrections are made:

§ 1130.6 [Corrected]

1. On page 68677, in the first and second columns, in § 1130.6, in paragraph (b)(3), “The bottom front panel shall have blocks for the consumer to provide his/her contact information as required in § 1130.7(c).” is corrected to read “The bottom back panel of the form shall have blocks for the consumer to provide his/her contact information as required in § 1130.7(c).”

2. On page 68677, in the second column, in § 1130.6, in paragraph (b)(3), “The back of the bottom portion of the form shall be pre-addressed and postage-paid with the manufacturer’s name and mailing address where registration information is to be collected.” is corrected to read “The front of the bottom portion of the form shall be pre-addressed and postage-paid with the manufacturer’s name and mailing address where registration information is to be collected.”

Dated: February 16, 2010.

Todd Stevenson,

Secretary, U.S. Consumer Product Safety Commission.

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SOCIAL SECURITY ADMINISTRATION

20 CFR Parts 404 and 416

[Docket No. SSA-2009-0067]

RIN 0960-AH08

Transfer of Accumulated Benefit Payments

AGENCY: Social Security Administration (SSA).

ACTION: Final rule.

SUMMARY: We are revising our regulations to allow a representative payee who will no longer be serving in that capacity to transfer accumulated benefit payments and interest directly to a beneficiary if we determine that it

would be in the best interest of the beneficiary. This change will give us more flexibility in deciding how conserved funds should be handled in these circumstances. The change will also reduce or eliminate delays in the delivery of conserved funds to some beneficiaries.

DATES: This final rule will be effective March 24, 2010.

FOR FURTHER INFORMATION CONTACT: Richard Bresnick, Office of Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235-6401, (410) 965-1758. 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:

Electronic Version

The electronic file of this document is available on the date of publication in the **Federal Register** at <http://www.gpoaccess.gov/fr/index.html>.

Background

Our representative payment regulations are in Subpart U of part 404 and subpart F of part 416. In certain cases, we will appoint a representative payee to receive benefit payments on behalf of a beneficiary. Generally, we appoint a representative payee if we have determined that the beneficiary is not able to manage his or her own benefits or direct the management of benefit payments in his or her interest. The payee must use the payments only for the beneficiary’s use and benefit. The payee must conserve or invest for the beneficiary any funds remaining after paying for the beneficiary’s current needs.

If a payee is no longer going to serve in that capacity, our regulations require the payee to return conserved funds to us or transfer them to a successor payee, as we will specify. The payee is not permitted to transfer these conserved funds to a beneficiary directly. 20 CFR 404.2060 and 416.660. The payee’s inability to transfer funds directly to a beneficiary can cause difficulty for both the beneficiary and the representative payee. When we determine that a payee is no longer needed because the beneficiary has become capable of managing his or her own benefits, this two-step process delays our payment of the conserved funds to the beneficiary.

Our current regulatory process is particularly problematic for those beneficiaries who make the transition out of foster care and for their payees.

These beneficiaries might need immediate access to the conserved funds to pay for rent or other necessities. Additionally, at least one State requires State agency representative payees for beneficiaries in foster care to turn over all conserved funds directly to the beneficiary when he or she transitions out of foster care.

Explanation of Changes

We are revising §§ 404.2060 and 416.660 of our regulations to permit a payee to transfer conserved funds to a beneficiary if we so specify. The change will give us the discretion to authorize a payee-to-beneficiary transfer of conserved funds and make the representative payment process more efficient. Allowing direct transfer will conserve administrative resources and provide faster access to beneficiaries who have become capable of managing their own benefits.

Public Comments

On October 14, 2009, we published a notice of proposed rulemaking (NPRM) in the **Federal Register** and provided a 60-day comment period. 74 FR 52706. We received one letter with comments. We carefully considered the comments in publishing this final rule.

Comment: The commenter is an employee of another federal agency who deals with our beneficiaries and payment centers. The commenter supports the changes and believes the changes will benefit us and our beneficiaries. The commenter further notes that “it is essential that funds still be available to the beneficiary especially in economic recession periods.” The commenter asks how the changes will affect current rules on reissuing benefits if the payee misused funds, how the replaced funds will be handled during the transfer, and whether there is an order of importance in selecting the new payee.

Response: We appreciate the commenter’s support. The changes will allow a representative payee who will no longer be serving in that capacity to transfer accumulated benefit payments and interest directly to a beneficiary if we direct the representative payee to do so. The changes will not otherwise affect our current rules on reissuing benefits if a payee misused funds, how the replaced benefits will be handled, or how we choose a payee.

Regulatory Procedures

Executive Order 12866

We have consulted with the Office of Management and Budget (OMB) and determined that this final rule does not