

Automated Transition Form to migrate their account information, currently stored under the SSN account, to a new EIN account. As of October 20, 2009, the Automated Transition Form has been available on the AESDirect Web site. Those who file directly into the AES must contact their CBP representative to have their account manually transitioned.

8. *Clarify whether a company or individual can use its EIN as the USPPPI identification number when filing on behalf of the USPPPI.* Several commenters wanted to know if a company or individual could use its EIN as the USPPPI identification number when filing on behalf of the USPPPI. A company that is filing in the AES on behalf of an individual cannot use its EIN. When filing the EEI on behalf of a USPPPI, the EIN of that USPPPI must be used as the identification number. The filer's EIN cannot be used as the USPPPI identification number. The use of another company or individual's EIN is prohibited.

9. *Clarify the use of an EIN for shipments to the U.S. Armed Services.* Several commenters wanted to know if an EIN would be required for shipments to the U.S. Armed Services. Filing an AES record is not required for shipments to the U.S. Armed Services for their exclusive use, whether the shipments are made commercially or through government channels, including shipments to armed services exchange systems per title 15, CFR, Part 30, FTR, section 30.39. This exemption does not apply to articles on the United States Munitions List that are controlled by the International Traffic in Arms Regulations, or to shipments that are not consigned to the U.S. Armed Services, regardless of whether they may be for its ultimate and exclusive use. If an export falls under this exemption, you are not required to obtain an EIN because filing an AES record is not required.

10. *Clarify the use of an EIN for shipments to employees of government agencies.* Several commenters wanted to know if government agencies or employees of these agencies were required to obtain an EIN for shipping purposes. Filing an AES record is not required for the following shipments: office furniture, office equipment, and office supplies shipped to and for the exclusive use of U.S. government offices, or household goods and personal property shipped to and for the exclusive and personal use of U.S. government employees. These shipments are exempt from filing the EEI per title 15, CFR, Part 30, FTR, section 30.40. If an export falls under this exemption, you are not required to

obtain an EIN because filing an AES record is not required.

### Regulatory Changes

To ensure the confidentiality of the USPPPI's and the U.S. authorized agent's personal information, and to comply with the Privacy Act and OMB guidance, the Census Bureau is amending relevant sections of the FTR to specify the requirements for the reporting of an EIN, or DUNS in place of a SSN for identification purposes in the AES.

The Census Bureau is amending the following sections of the FTR:

- Section 30.1(c) definition for Party ID type is revised to eliminate the SSN.
- Sections 30.3(a) and 30.3(e) are revised to eliminate the requirement of reporting the SSN in the AES.
- Sections 30.6(a) and 30.6(b) are revised to eliminate the SSN as an option for the USPPPI and U.S. authorized agent identification number.

The U.S. Department of State and U.S. Department of Homeland Security concur with the provisions contained in this Final Rule.

### Rulemaking Requirements

#### Administrative Procedure Act

The Census Bureau finds good cause pursuant to 5 U.S.C. 553(b)(B) to waive prior notice and opportunity for public comment, as public comment is impracticable and contrary to the public interest of maintaining the security of personal information. To ensure the confidentiality of the USPPPI and the U.S. authorized agent's personal information, and to comply with the Privacy Act, the Census Bureau is amending appropriate sections of the FTR to eliminate the reporting of the SSN by USPPPIs and U.S. authorized agents. If this rule were delayed to allow for notice and opportunity for public comment, USPPPIs and U.S. authorized agents would continue to be required to submit their SSN to the Census Bureau if they do not have an EIN or DUNS. Therefore, in order to maintain the security of personal information, and to comply with the Privacy Act, the Census Bureau has determined that it will make this rule effective on March 24, 2010.

#### Regulatory Flexibility Act

Because notice and opportunity for comment are not required pursuant to 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act are inapplicable. Therefore, a final regulatory flexibility analysis is not required and one has not been prepared.

### Executive Orders

This rule has been determined to be not significant for purposes of Executive Order 12866. It has been determined that this rule does not contain policies with Federalism implications as that term is defined under Executive Order 13132.

### Paperwork Reduction Act

The collection of information required in this final rule has been approved by the OMB under the Paperwork Reduction Act (PRA), title 44, U.S.C. Chapter 35. This rule amends a collection of information subject to the requirements of the PRA, which has been approved under OMB control number 0607-0152. The reporting and recordkeeping burden for this requirement is estimated at three total burden minutes per AES filing. Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a current, valid OMB control number.

### List of Subjects in 15 CFR Part 30

Economic statistics, Exports, Foreign trade, Reporting and recordkeeping requirements.

■ Accordingly, as discussed above, the interim final rule amending Title 15 Code of Federal Regulations Part 30, which published at 74 FR 38914 on August 5, 2009, is adopted as a final rule without change.

Dated: February 16, 2010.

**Robert M. Groves,**

*Director, Bureau of the Census.*

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**BILLING CODE 3510-07-P**

## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

#### 15 CFR Part 774

[Docket No. 0907241163-91434-01]

RIN 0694-AE67

#### Amendments to the Select Agents Controls in Export Control Classification Number (ECCN) 1C360 on the Commerce Control List (CCL); Correction to ECCN 1E998

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

**ACTION:** Final rule.

**SUMMARY:** The Bureau of Industry and Security (BIS) is publishing this final

rule to amend the Export Administration Regulations (EAR) by revising the controls on certain select agents identified in Export Control Classification Number (ECCN) 1C360 on the Commerce Control List (CCL) to reflect changes that the Animal Plant and Health Inspection Service (APHIS), U.S. Department of Agriculture, recently made to the Plant Protection and Quarantine Programs (PPQ) list of select agents and toxins. The changes made by APHIS were part of a biennial review and republication of the select agents and toxins lists separately maintained by APHIS and the Centers for Disease Control and Prevention (CDC), U.S. Department of Health and Human Services (HHS). Both agencies maintain controls on the “possession, use, and transfer within the United States” of certain select agents and toxins, including human and zoonotic pathogens, animal pathogens, and plant pathogens. BIS maintains controls on “exports” of the select agents and toxins regulated by CDC and APHIS. CDC and APHIS simultaneously published the revisions to their lists of select agents and toxins on October 16, 2008. These changes became effective on November 17, 2008. BIS determined that the only changes that required amendments to the EAR were the changes to the PPQ list of select agents and toxins maintained by APHIS.

This rule also amends ECCN 1E998 on the CCL to remove controls on technology for the “development” or “production” of materials controlled by ECCN 1C995. This technology was inadvertently included in ECCN 1E998 by a final rule published by BIS in September 2006 and was made subject to the anti-terrorism (AT) license requirements described therein. Effective with the publication of this final rule, this technology is once again classified as EAR99.

**DATES:** This rule is effective February 22, 2010. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis.

**ADDRESSES:** You may submit comments, identified by RIN 0694–AE67, by any of the following methods:

- *E-mail:* [publiccomments@bis.doc.gov](mailto:publiccomments@bis.doc.gov). Include “RIN 0694–AE67” 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:* Willard Fisher, U.S. Department of Commerce, Bureau of Industry and

Security, Regulatory Policy Division, 14th Street & Pennsylvania Avenue, NW., Room 2705, Washington, DC 20230, ATTN: RIN 0694–AE67.

Send comments regarding this collection of information, 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; and to the Regulatory Policy Division, Bureau of Industry and Security, Department of Commerce, 14th Street & Pennsylvania Avenue, NW., Room 2705, Washington, DC 20230. Comments on this collection of information should be submitted separately from comments on the final rule (*i.e.*, RIN 0694–AE67)—all comments on the latter should be submitted by one of the three methods outlined above.

**FOR FURTHER INFORMATION CONTACT:** Kimberly Orr, Export Policy Analyst, Chemical and Biological Controls Division, Office of Nonproliferation and Treaty Compliance, Bureau of Industry and Security, Telephone: (202) 482–4201.

#### SUPPLEMENTARY INFORMATION:

##### Background

The Bureau of Industry and Security (BIS) is amending the Export Administration Regulations (EAR) to update the controls on certain select agents identified in Export Control Classification Number (ECCN) 1C360 on the Commerce Control List (CCL) (Supplement No. 1 to Part 774 of the EAR) to reflect changes that the Animal Plant and Health Inspection Service (APHIS), U.S. Department of Agriculture, recently made to the Plant Protection and Quarantine Programs (PPQ) list of select agents and toxins in 7 CFR 331.3(b). The changes published by APHIS were part of a biennial review and republication of select agents and toxins lists that are separately maintained by APHIS and the Centers for Disease Control and Prevention (CDC), U.S. Department of Health and Human Services (HHS). Both of these U.S. Government agencies maintain controls on the “possession, use, and transfer within the United States” of certain select agents and toxins (including human and zoonotic pathogens, animal pathogens, and plant pathogens),<sup>1</sup> while BIS controls “exports” of these select agents and toxins.

<sup>1</sup> For select agents and toxins regulated by APHIS, see 7 CFR 331.3(b), 9 CFR 121.3(b), and 9 CFR 121.4(b). For select agents and toxins regulated by CDC, see 42 CFR 73.3(b) and 42 CFR 73.4(b).

The revisions to the lists of select agents and toxins maintained by CDC and APHIS were published, simultaneously, on October 16, 2008 (at 73 FR 61363 and 73 FR 61325, respectively), and became effective on November 17, 2008. Certain changes involving the PPQ list of select agents and toxins maintained by APHIS at 7 CFR 331.3(b) were determined by BIS to require amendments to ECCN 1C360, which controls select agents regulated by CDC and APHIS that are not controlled under ECCN 1C351, 1C352, or 1C354 on the CCL. Therefore, BIS is publishing this final rule to amend ECCN 1C360 to make the following changes consistent with the PPQ list: (1) Remove “*Candidatus Liberobacter africanus*” and “*Candidatus Liberobacter asiaticus*,” (2) add “*Phoma glycinicola* (formerly *Pyrenochaeta glycines*)” and “*Rathayibacter toxicus*,” and (3) clarify that “*Peronosclerospora philippinensis*” is also known as “*Peronosclerospora sacchari*.”

This rule also makes a correction to ECCN 1E998 that is unrelated to the select agent changes described above. Specifically, this rule amends ECCN 1E998 to remove controls on technology for the “development” or “production” of materials controlled by ECCN 1C995. This technology was inadvertently included in ECCN 1E998 by a final rule published by BIS on September 7, 2006 (71 FR 52956), and was made subject to the anti-terrorism (AT) license requirements described therein. The September 2006 rule’s stated purpose for adding this technology to ECCN 1E998 was to maintain AT controls on certain “development” and “production” technology previously controlled under ECCN 1E001. However, “development” and “production” technology for materials controlled by ECCN 1C995 was not controlled under ECCN 1E001 at the time the September 2006 rule was published or, in fact, at any other time. Instead, this technology was classified as EAR99 and should have remained so. Therefore, effective with the publication of this final rule, this technology is once again classified as EAR99.

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.

##### Saving Clause

Shipments of items removed from eligibility for export or reexport under a

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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**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