

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]

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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]

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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.

FOR FURTHER INFORMATION CONTACT: Thomas Dungan, Policy Analyst, at (202) 874-6660, or Tricia Long, Senior Attorney, at (202) 874-6680.
SUPPLEMENTARY INFORMATION:

I. Background

The Food, Conservation and Energy Act of 2008, Public Law 110-334, Section 14219, 22 Stat. 923 (2008) (“the Act”) amended the Debt Collection Act of 1982 (as amended by the Debt Collection Improvement Act of 1996) to remove a restriction on the collection of debt by administrative offset, i.e., offset of payments pursuant to 31 U.S.C. 3716. Prior to this change, administrative offset to collect debt was only available if the debt was delinquent for a period of less than ten years. The amendment to the law allows for the collection of debt by administrative offset without any time limitation and applies to any debt outstanding on or after the date of the enactment of the Act.

On June 11, 2009, the Financial Management Service published in the **Federal Register** an interim rule implementing the statutory change. (See 74 FR 27707, June 11, 2009).

Comments on the Interim Rule

By the close of the comment period, FMS received no comments on the interim rule.

Adoption as Final Rule

Accordingly, the interim rule amending 31 CFR part 285, published at 74 FR 27707, June 11, 2009, is adopted as a final rule without change.

Dated: December 18, 2009.

Richard L. Gregg,
Acting Fiscal Assistant Secretary.
[FR Doc. E9-30549 Filed 12-22-09; 8:45 am]
BILLING CODE 4810-35-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 27

[Docket No. USCG-2009-0891]
RIN 1625-AB40

Federal Civil Penalties Inflation Adjustment Act—2009 Implementation

AGENCY: Coast Guard, DHS.
ACTION: Final rule.

SUMMARY: The Coast Guard is adjusting fines and other civil monetary penalties to reflect the impact of inflation. These adjustments are made in accordance with the Federal Civil Penalties

Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996.

DATES: This final rule is effective 30 days after December 23, 2009.

ADDRESSES: Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCG-2009-0891 and are available for inspection or copying at the Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet by going to <http://www.regulations.gov>, inserting USCG-2009-0891 in the “Keyword” box, and then clicking “Search.”

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or e-mail Heather Young, CG-5232, Coast Guard; telephone 202-372-1022, e-mail Heather.l.young@uscg.mil. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

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I. Abbreviations

Abbreviation	Explanation
CFR	Code of Federal Regulations.
CMPs ..	Civil Monetary Penalties.
CPI-U ..	Consumer Price Index for All Urban Consumers, Not Seasonally Adjusted, U.S. City Average.
RFA	Regulatory Flexibility Act.
U.S.C. ..	United States Code.

II. Background

Congress has established fines or other civil monetary penalties (CMPs) for those who violate Federal laws and regulations. However, the deterrent value of these fines and penalties

diminishes over time from the effects of inflation. To address this problem, Congress enacted the Federal Civil Penalties Inflation Adjustment Act, Public Law 101-410, 104 Stat. 890, §§ 1-6, as amended by the Debt Collection Improvement Act of 1996, Public Law 104-134, 110 Stat. 1321, § 31001(s)(1); 28 U.S.C. 2461. These statutes require Federal agencies to adjust their CMPs for inflation at least once every four years, using a nondiscretionary statutory formula, thus making further direct involvement by Congress unnecessary.

This final rule is published without a prior notice of proposed rulemaking or public comment period. Pursuant to the Administrative Procedure Act, 5 U.S.C. 553(b)(3)(B), the Coast Guard finds that good cause exists for dispensing with notice and comment in this rulemaking. This rulemaking implements the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996. These statutes require certain actions with respect to adjusting CMPs for inflation and do not allow for discretion in implementation, so that prior notice and comment is unnecessary and contrary to the public interest.

III. Method of Calculation

The method for calculating the effects of inflation on fines and penalties is very specifically prescribed by statutes, which allow no discretion. The statutes specify the inflation measure to be used, the method for the calculation of the inflation adjustment, and the method for the numerical rounding of the results.

The statutes require the use of the change in the Consumer Price Index for All Urban Consumers (CPI-U) as the inflation measure for these calculations. The CPI-U is calculated and published by the U.S. Department of Labor, Bureau of Labor Statistics, and uses the period of 1982 to 1984 as the base level where the CPI-U = 100.

The inflation adjustment prescribed by the statutes is calculated as the difference between the CPI-U for the month of June of the calendar year preceding the adjustment and the CPI-U for the month of June of the calendar year in which the amount of the civil monetary penalty was last set or adjusted pursuant to law. Since the last inflation adjustment was made in 2003 and the year preceding this adjustment is 2008, the current inflation adjustment equals the increase in the CPI-U (not seasonally adjusted) from June, 2003 to June, 2008: