

(7) Subheading 9820.42.05 for articles described in § 10.843(f) of this subpart;

(8) Subheading 9820.65.05 for articles described in § 10.843(g) of this subpart;

(9) Subheading 9820.62.20 for articles described in § 10.843(h) of this subpart;

(10) Subheading 9820.62.25 for articles described in § 10.843(i) of this subpart;

(11) Subheading 9820.62.30 for articles described in § 10.843(j) of this subpart; and

(12) Subheading 9820.85.44 for wiring sets described in § 10.843(k) of this subpart.

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**Jayson P. Ahern,**

*Acting Commissioner, Customs and Border Protection.*

Approved: September 25, 2008.

**Timothy E. Skud,**

*Deputy Assistant Secretary of the Treasury.*  
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## DEPARTMENT OF STATE

### 22 CFR Part 41

[Public Notice 6378]

#### Visas: Documentation of Nonimmigrants Under the Immigration and Nationality Act, as Amended

**AGENCY:** Department of State.

**ACTION:** Final rule.

**SUMMARY:** This rule establishes regulatory exceptions to travel restrictions, established in the Tom Lantos Block Burmese JADE Act, that were put in place for Burmese nationals. The rule allows the Department to exempt certain Burmese diplomats and officials from the travel restrictions.

**DATES:** *Effective Date:* This rule is effective September 30, 2008.

**FOR FURTHER INFORMATION CONTACT:** Lawrence B. Kurland, Jr., Legislation and Regulations Division, Visa Services, Department of State, 2401 E Street, NW., Room L-603D, Washington, DC 20520-0106, (202) 663-1202, e-mail ([KurlandLB@state.gov](mailto:KurlandLB@state.gov)).

**SUPPLEMENTARY INFORMATION:** On July 29, 2008, the President signed into law the Tom Lantos Block Burmese JADE (Junta's Anti-Democratic Efforts) Act of 2008, Public Law 110-286, authorizing a broad range of new measures against the Burmese regime. Among these measures is a new category of visa inadmissibility, detailed in Section 5(a) of the Act. However, the Act permits the Secretary of State to issue, by regulation, exceptions to Section 5(a), in order for

the United States and Burma to operate their diplomatic missions, to allow United States citizens to visit Burma, to permit authorized Burmese to conduct business at the United Nations, or as required by other applicable international agreements. Since diplomatic travel must often be approved in a short time frame, it would be impractical to issue a new regulation for each instance of Burmese diplomatic travel. This rule, then, will allow the Secretary to comply with the regulatory requirement set out in Section 5(f)(2) of the Act while making exceptions to Section 5(a) in accordance with Department of State regulations.

#### Regulatory Findings

##### *Administrative Procedure Act*

This regulation involves a foreign affairs function of the United States and, therefore, in accordance with 5 U.S.C. 553(a)(1), is not subject to the rule making procedures set forth in 5 U.S.C. 553.

##### *Regulatory Flexibility Act/Executive Order 13272: Small Business*

Because this final rule is exempt from notice and comment rulemaking under 5 U.S.C. 553, it is exempt from the regulatory flexibility analysis requirements set forth at sections 603 and 604 of the Regulatory Flexibility Act (5 U.S.C. 603 and 604). Nonetheless, consistent with section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)), the Department certifies that this rule will not have a significant economic impact on a substantial number of small entities. This rule regulates individual aliens who seek consideration for nonimmigrant visas and does not affect any small entities, as defined in 5 U.S.C. 601(6).

##### *The Unfunded Mandates Reform Act of 1995*

Section 202 of the Unfunded Mandates Reform Act of 1995 (UFMA), 2 U.S.C. 1532, generally requires agencies to prepare a statement before proposing any rule that may result in an annual expenditure of \$100 million or more by State, local, or tribal governments, or by the private sector. This rule will not result in any such expenditure, nor will it significantly or uniquely affect small governments.

##### *The Small Business Regulatory Enforcement Fairness Act of 1996*

This rule is not a major rule as defined by 5 U.S.C. 804, for purposes of congressional review of agency rulemaking under the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104-121. This rule

will not result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices; or adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based companies to compete with foreign based companies in domestic and import markets.

##### *Executive Order 12866*

Although this rule is not subject to Executive Order 12866, the Department has reviewed it to ensure its consistency with the regulatory philosophy and principles set forth in the Executive Order, and has determined that the benefits of the rule justify its costs.

##### *Executive Orders 12372 and 13132: Federalism*

This regulation will not have substantial direct effects on the States, on the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government. Nor will the rule have federalism implications warranting the application of Executive Orders No. 12372 and No. 13132.

##### *Paperwork Reduction Act*

This rule does not impose information collection requirements under the provisions of the Paperwork Reduction Act, 44 U.S.C., Chapter 35.

#### List of Subjects in 22 CFR Part 41

Aliens, Foreign officials, Immigration, Nonimmigrants, Visas.

■ Accordingly, for the reasons set forth above, 22 CFR part 41 is amended as follows:

#### PART 41—[AMENDED]

■ 1. The authority citation for part 41 continues to read as follows:

**Authority:** 8 U.S.C. 1104; Pub. L. 105-277, 112 Stat. 2681-795 through 2681-801; 8 U.S.C. 1185 note (section 7209 of Pub. L. 108-458).

■ 2. Section 41.21 is amended by adding paragraph (d)(4):

##### **§ 41.21 Foreign officials—general.**

(d) \* \* \*

(4) Notwithstanding the provisions of Section 5(a) and consistent with Section 5(f)(2) of the Tom Lantos Block Burmese JADE (Junta's Anti-Democratic Efforts) Act of 2008, Public Law 110-286, visas may be issued to visa applicants who are otherwise ineligible for a visa to travel to the United States under section 5(a)(1) of the Act:

(i) To permit the United States and Burma to operate their diplomatic

missions, and to permit the United States to conduct other official United States Government business in Burma;

(ii) To permit the United States to comply with the United Nations Headquarters Agreement and other applicable international agreements.

Dated: September 22, 2008.

**Janice L. Jacobs,**

*Assistant Secretary for Consular Affairs,  
Department of State.*

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 105

[Docket Nos. TSA-2006-24191; USCG-2006-24196]

#### Transportation Worker Identification Credential (TWIC) Implementation in the Maritime Sector; Hazardous Materials Endorsement for a Commercial Driver's License

**AGENCY:** United States Coast Guard; DHS.

**ACTION:** Notice of compliance date, Captain of the Port Zones Honolulu, Prince William Sound, Southeast Alaska, and Western Alaska.

**SUMMARY:** This document informs owners and operators of facilities located within Captain of the Port Zones Honolulu, Prince William Sound, Southeast Alaska, and Western Alaska that they must implement access control procedures utilizing TWIC no later than February 12, 2009.

**DATES:** The compliance date for the TWIC regulations found in 33 CFR part 105 for Captain of the Port Zones Honolulu, Prince William Sound, Southeast Alaska, and Western Alaska is February 12, 2009.

**ADDRESSES:** Comments and material received from the public, as well as documents mentioned in this document as being available in the docket, are part of dockets TSA-2006-24191 and USCG-2006-24196, and are available for inspection or copying at the Docket Management Facility, 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 at <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this document, call LCDR Jonathan Maiorine, telephone 1-877-687-2243. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-493-0402.

#### SUPPLEMENTARY INFORMATION:

##### I. Regulatory History

On May 22, 2006, the Department of Homeland Security (DHS) through the United States Coast Guard (Coast Guard) and the Transportation Security Administration (TSA) published a joint notice of proposed rulemaking entitled "Transportation Worker Identification Credential (TWIC) Implementation in the Maritime Sector; Hazardous Materials Endorsement for a Commercial Driver's License" in the *Federal Register* (71 FR 29396). This was followed by a 45-day comment period and four public meetings. The Coast Guard and TSA issued a joint final rule, under the same title, on January 25, 2007 (72 FR 3492) (hereinafter referred to as the original TWIC final rule). The preamble to that final rule contains a discussion of all the comments received on the NPRM, as well as a discussion of the provisions found in the original TWIC final rule, which became effective on March 26, 2007.

On May 7, 2008, the Coast Guard and TSA issued a final rule to realign the compliance date for implementation of the Transportation Worker Identification Credential. 73 FR 25562. The date by which mariners need to obtain a TWIC, and by which owners and operators of vessels and outer continental shelf facilities must implement access control procedures utilizing TWIC, is now April 15, 2009 instead of September 25, 2008. Owners and operators of facilities that must comply with 33 CFR part 105 will still be subject to earlier, rolling compliance dates, as set forth in 33 CFR 105.115(e). The Coast Guard will continue to announce rolling compliance dates, as provided in 33 CFR 105.115(e), at least 90 days in advance via notices published in the *Federal Register*. The final compliance date for all COTP Zones will not be later than April 15, 2009.

##### II. Notice of Facility Compliance Date—COTP Zones Honolulu, Prince William Sound, Southeast Alaska, and Western Alaska

Title 33 CFR 105.115(e) currently states that "[f]acility owners and operators must be operating in accordance with the TWIC provisions in this part by the date set by the Coast

Guard in a Notice to be published in the *Federal Register*." Through this Notice, the Coast Guard informs the owners and operators of facilities subject to 33 CFR 105.115(e) located within COTP Zones Honolulu, Prince William Sound, Southeast Alaska, and Western Alaska that the deadline for their compliance with Coast Guard and TSA TWIC requirements is February 12, 2009.

The TSA and Coast Guard have determined that this date provides sufficient time for the estimated population required to obtain TWICs for these COTP Zones to enroll and for TSA to complete the necessary security threat assessments for those enrollment applications. We strongly encourage persons requiring unescorted access to facilities regulated by 33 CFR part 105 and located in one of these COTP Zones to enroll for their TWIC as soon as possible, if they haven't already. Additionally, we note that the TWIC Final Rule advises owners and operators of MTSA regulated facilities of their responsibility to notify employees of the TWIC requirements. Specifically, 33 CFR 105.200(b)(14) requires owners or operators of MTSA regulated facilities to "[i]nform facility personnel of their responsibility to apply for and maintain a TWIC, including the deadlines and methods for such applications." Information on enrollment procedures, as well as a link to the pre-enrollment Web site (which will also enable an applicant to make an appointment for enrollment), may be found at <https://twicprogram.tsa.dhs.gov/TWICWebApp/>.

You may also visit our Web site at [homeport.uscg.mil/twic](http://homeport.uscg.mil/twic) for a framework showing expected future compliance dates by COTP Zone. This list is subject to change; changes in expected future compliance dates will appear on that Web site. The exact compliance date for COTP Zones will also be announced in the *Federal Register* at least 90 days in advance.

Dated: September 23, 2008.

**Mark P. O'Malley,**

*Captain, U.S. Coast Guard, Chief, Ports and Facilities Activities.*

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