

licensing jurisdiction or to the exclusive licensing jurisdiction of another government agency are subject to the Export Administration Regulations (EAR) and BIS's licensing jurisdiction.

The T 37 jet trainer was designed as a military trainer aircraft. Such aircraft are subject to the ITAR unless excluded under the provisions of 22 CFR 121.3(b), which relate to the engine type and power of the trainer aircraft. The T 37 and its specially designed component parts do not meet the terms of that exclusion. However, the T 37 jet trainer aircraft and their specially designed component parts have been listed on the CCL (found in 15 CFR Part 774, Supp. No. 1) since at least 1993. As such, under a strict interpretation of ITAR and the CCL as currently drafted, the T 37 jet trainer aircraft could fall within the jurisdiction of both DDTC and BIS, potentially causing members of the public to conclude incorrectly that an export license is required from both agencies for this item. By removing T 37 jet trainer aircraft from the CCL, this rule clarifies that export licenses should not be obtained from BIS, avoids potentially overlapping coverage and reduces the possibility of confusion on the part of the public. Export and reexport license applications for the T 37 jet trainer aircraft and parts should be directed to DDTC.

Rulemaking Requirements

1. This rule has been determined to be not significant for purposes of E.O. 12866.

2. Notwithstanding any other provision of law, no person is required to respond to, nor is 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 a collection 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. Miscellaneous and recordkeeping activities account for 12 minutes per submission. BIS believes that this rule will have no impact on the burden associated with that collection because the Department of State exercises licensing jurisdiction over the aircraft or parts affected by this rule and BIS has not issued a license for them in recent years.

3. This rule does not contain policies with Federalism implications as that term is defined under E.O. 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 (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 should be submitted to William Arvin, Office of Exporter Services, Bureau of Industry and Security, Department of Commerce, Room H2705, Washington, DC 20230.

List of Subjects in 15 CFR Part 774

Exports, Foreign trade.

■ Accordingly, part 774 of the Export Administration Regulations (15 CFR parts 730 through 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 July 23, 2008, 73 FR 43603 (July 25, 2008).

■ 2. In Supplement No. 1 to Part 774, Category 9—Propulsion Systems, Space Vehicles and Related Equipment, Export Control Classification Number 9A018, revise paragraph a. of the Items paragraph of the List of Items Controlled section to read as follows:

9A018 Equipment on the Wassenaar Arrangement Munitions List

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List of Items Controlled

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Items: a. Military trainer aircraft bearing "T" designations:

- a.1. Using reciprocating engines; or
- a.2. Turbo prop engines with less than 600 horse power (h.p.); and
- a.3. Specially designed component parts.

* * * * *

Dated: April 29, 2009.

Matthew S. Borman,

Acting Assistant Secretary for Export Administration.

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AGENCY FOR INTERNATIONAL DEVELOPMENT

22 CFR Part 215

RIN 0412-AA61

Privacy Act of 1974, Implementation of Exemptions

AGENCY: United States Agency for International Development.

ACTION: Final rule; delay effective date.

SUMMARY: This document delays the effective date by 90 days for the final rule exempting portions of the Partner Vetting System from one or more provisions of the Privacy Act, as published in the **Federal Register** on January 2, 2009 and delayed on February 2, 2009, and on April 2, 2009.

DATES: The effective date for the final rule published on January 2, 2009 (74 FR 9) and delayed on February 2, 2009 (74 FR 5808), and on April 2, 2009 (74 FR 14931) is further delayed until August 4, 2009.

FOR FURTHER INFORMATION CONTACT: For general questions, please contact Jeff Denale, Chief, Counterterrorism and Information Security Division, Office of Security, United States Agency for International Development, Ronald Reagan Building, 1300 Pennsylvania Avenue, NW., Washington, DC 20523, or by phone on (202) 712-1264.

Dated: May 4, 2009.

Mark Webb,

Acting Director, Office of Security.

[FR Doc. E9-10531 Filed 5-4-09; 11:15 am]

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