

public comment. In addition, the 30-day delay in effectiveness required by 5 U.S.C. 553(d) is not applicable because this rule is not a substantive 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.

#### List of Subjects in 15 CFR Part 774

Exports, Reporting and recordkeeping requirements.

■ Accordingly, part 774 of the Export Administration Regulations (15 CFR parts 730–774) is corrected by making the following correcting amendment:

#### PART 774—[CORRECTED]

■ 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 15, 2007, 72 FR 46137 (August 16, 2007).

■ 2. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Propulsion Systems, Space Vehicles and Related Equipment, Export Control Classification Number (ECCN) 9A004 is amended by adding the “Related Controls” paragraph in the List of Items Controlled section, to read as follows:

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

\* \* \* \* \*

#### 9A004 Space launch vehicles and “spacecraft”.

\* \* \* \* \*

#### List of Items Controlled

*Unit:* \* \* \*

*Related Controls:*

- (1.) See also 9A104.
- (2.) Space launch vehicles are under the jurisdiction of the Department of State.
- (3.) Effective March 15, 1999, all satellites, including commercial communications satellites, are subject to the ITAR. Effective March 15, 1999, all license applications for the export of commercial communications satellites will be processed by the State Department, Directorate of Defense Trade Controls. Retransfer of jurisdiction for commercial communications satellites and related items shall not affect the validity of any export license issued by the Department of Commerce prior to March 15, 1999, or of any export license application filed under the

Export Administration Regulations on or before March 14, 1999, and subsequently issued by the Department of Commerce. Commercial communications satellites licensed by the Department of Commerce, including those already exported, remain subject to the EAR and all terms and conditions of issued export licenses until their stated expiration date. All licenses issued by the Department of Commerce for commercial communications satellites, including licenses issued after March 15, 1999, remain subject to SI controls throughout the validity of the license. Effective March 15, 1999, Department of State jurisdiction shall apply to any instance where a replacement license would normally be required from the Department of Commerce. Transferring registration or operational control to any foreign person of any item controlled by this entry must be authorized on a license issued by the Department of State, Directorate of Defense Trade Controls. This requirement applies whether the item is physically located in the United States or abroad.

(4.) All other “spacecraft” not controlled under 9A004 and their payloads, and specifically designed or modified components, parts, accessories, attachments, and associated equipment, including ground support equipment, are subject to the export licensing authority of the Department of State unless otherwise transferred to the Department of Commerce via a commodity jurisdiction determination by the Department of State.

(5.) Exporters requesting a license from the Department of Commerce for “spacecraft” and their associated parts and components, other than the international space station, must provide a statement from the Department of State, Directorate of Defense Trade Controls, verifying that the item intended for export is under the licensing jurisdiction of the Department of Commerce. All specially designed or modified components, parts, accessories, attachments, and associated equipment for “spacecraft” that have been determined by the Department of State through the commodity jurisdiction process to be under the licensing jurisdiction of the Department of Commerce and that are not controlled by any other ECCN on the Commerce Control List will be assigned a classification under this ECCN 9A004.

(6.) Technical data required for the detailed design, development, manufacturing, or production of the international space station (to include specifically designed parts and components) remains under the jurisdiction of the Department of State. This control by the ITAR of detailed design, development, manufacturing or production technology for NASA’s international space station does not include that level of technical data necessary and reasonable for assurance that a U.S.-built item intended to operate on NASA’s international space station has been designed, manufactured, and tested in conformance with specified requirements (e.g., operational performance, reliability, lifetime, product quality, or delivery expectations). All technical data and all defense services, including all technical assistance, for launch of the international

space station, including launch vehicle compatibility, integration, or processing data, are controlled and subject to the jurisdiction of the Department of State, in accordance with 22 CFR parts 120 through 130.

\* \* \* \* \*

Eileen Albanese,

*Director, Office of Exporter Services.*

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## SOCIAL SECURITY ADMINISTRATION

### 20 CFR Part 403

[Docket No. SSA–2007–0077]

RIN 0960–AG76

### Testimony by Employees and the Production of Records and Information in Legal Proceedings; Change of Address for Requests

**AGENCY:** Social Security Administration.

**ACTION:** Final rule.

**SUMMARY:** Our regulations describe when a Social Security Administration (SSA) employee will testify or provide records or other information in a legal proceeding to which we are not a party. The regulations also describe how you request testimony of an SSA employee. This final rule updates the address you should use to request testimony of an SSA employee.

**DATES:** This final rule is effective May 8, 2008.

**FOR FURTHER INFORMATION CONTACT:** Martin Sussman, Office of Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235–6401. Call (410) 965–1767 for further information about these rules. 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 Web 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>.

#### Why are we revising our rules on requesting testimony of an SSA employee?

Our regulations at 20 CFR Part 403 describe when an SSA employee will testify or provide records or other information in a legal proceeding to which we are not a party. The regulations also describe how you

request testimony of an SSA employee. At 20 CFR 403.120(c), we provide a post office box address for you to use to request testimony of an SSA employee. The address has changed; therefore, we are updating the regulations to reflect the new address. We are not making any substantive changes to the regulations.

#### *Regulatory Procedures*

##### *Justification for Final Rule*

As required by section 702(a)(5) of the Social Security Act, 42 U.S.C. 902(a)(5), we follow the Administrative Procedure Act (APA) rulemaking procedures specified in 5 U.S.C. 553 in developing regulations. The APA provides that prior notice and public comment is not required when an agency finds good cause for dispensing with such procedures because they are impracticable, unnecessary, or contrary to the public interest. We have determined that, under 5 U.S.C. 553(b)(B), good cause exists here because this final rule only updates the address to be used for requesting testimony of an SSA employee. It makes no substantive changes to the regulations. Therefore, we have determined that opportunity for prior comment is unnecessary, and we are issuing this revision as a final rule.

In addition, we find good cause for dispensing with the 30-day delay in the effective date provided by 5 U.S.C. 553(d)(3). As explained above, we are not making any substantive changes to the regulations. Without the correct address, there could be a delay in receiving these requests for testimony of an SSA employee. In order to ensure that we continue to receive these requests timely, we find that it is in the public interest to make this final rule effective on the date of publication.

#### **Executive Order 12866**

We have consulted with the Office of Management and Budget (OMB) and determined that this final rule does not meet the criteria for a significant regulatory action under Executive Order 12866, as amended. Thus, it was not subject to OMB review.

#### **Regulatory Flexibility Act**

We certify that this final rule will not have a significant economic impact on a substantial number of small entities because they affect only individuals. Thus, a regulatory flexibility analysis as provided in the Regulatory Flexibility Act, as amended, is not required.

#### **Paperwork Reduction Act**

These regulations describe the procedures for an individual to request testimony of an SSA employee. The

application for testimony is a paperwork burden that requires clearance by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995. SSA has already cleared the burden contained in 20 CFR 413.120 under OMB Number 0960-0619, and there is no change. Consequently, we are showing a 1-hour placeholder for the paperwork burden for this rule.

An Information Collection Request has been submitted to OMB for clearance. We are soliciting comments on the burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility and clarity; and on ways to minimize the burden on respondents, including the use of automated collection techniques or other forms of information technology.

Comments should be sent to OMB by fax or by e-mail to: Office of Management and Budget, *Attn:* Desk Office for SSA, *Fax Number:* 202-395-6974, *E-mail address:* [OIRA\\_Submission@omb.eop.gov](mailto:OIRA_Submission@omb.eop.gov).

Comments on the paperwork burdens associated with this rule can be received for up to 30 days after publication of this notice. When OMB has approved these information collection requirements, SSA will publish a notice in the **Federal Register**. To receive a copy of the OMB clearance package, please contact the Reports Clearance Officer at [OPLM.RCO@ssa.gov](mailto:OPLM.RCO@ssa.gov).

(Catalog of Federal Domestic Program Nos. 96.001 Social Security-Disability Insurance; 96.002 Social Security-Retirement Insurance; 96.004 Social Security-Survivors Insurance; 96.005 Special Benefits for Disabled Coal Miners; 96.006 Supplemental Security Income; and 96.020 Special Benefits for Certain World War II Veterans)

#### **List of Subjects in 20 CFR Part 403**

Courts, Government employees.

Dated: April 30, 2008.

**Michael J. Astrue,**  
*Commissioner of Social Security.*

■ For the reasons set out in the preamble, part 403 of chapter III of title 20 of the Code of Federal Regulations is amended as follows:

#### **PART 403—TESTIMONY BY EMPLOYEES AND THE PRODUCTION OF RECORDS AND INFORMATION IN LEGAL PROCEEDINGS**

■ 1. The authority citation for part 403 continues to read as follows:

**Authority:** Secs. 702(a)(5) and 1106 of the Act, (42 U.S.C. 902(a)(5) and 1306); 5 U.S.C. 301; 31 U.S.C. 9701.

■ 2. In § 403.120, revise paragraph (c) to read as follows:

#### **§ 403.120 How do you request testimony?**

\* \* \* \* \*

(c) You must send your application for testimony to: Social Security Administration, Office of the General Counsel, Office of General Law, Suite No. 56, P.O. Box 26430, Baltimore, Maryland 21207, Attn: Touhy Officer. (If you are requesting testimony of an employee of the Office of the Inspector General, send your application to the address in § 403.125.)

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## **DEPARTMENT OF HOMELAND SECURITY**

### **Coast Guard**

#### **33 CFR Part 100**

[Docket No. USCG-2008-0278]

RIN 1625-AA08

#### **Special Local Regulations; Delaware River, Big Timber Creek, Westville, NJ**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing special local regulations during the “Westville Parade of Lights”, a marine parade to be held on the waters of the Delaware River and Big Timber Creek, Westville, NJ. These special local regulations are necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic in a small portion of the Delaware River and Big Timber Creek during the event.

**DATES:** This rule is effective from 7 p.m. to 11:30 p.m. on June 28, 2008.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket USCG-2008-0278 and are available online at <http://www.regulations.gov>. They are also available for inspection or copying at two locations: 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, and the Fifth Coast Guard District, 431 Crawford Street, Portsmouth, VA 23704 between 10 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this temporary rule, call Dennis Sens, Project Manager, Fifth Coast Guard District, Prevention