

DEPARTMENT OF COMMERCE**Bureau of Industry and Security****15 CFR Part 744**

[Docket No. 100115025-0032-01]

RIN 0694-AE84

Addition of Certain Persons to the Entity List: Addition of Persons Acting Contrary to the National Security or Foreign Policy Interests of the United States**AGENCY:** Bureau of Industry and Security, Commerce.**ACTION:** Final rule.

SUMMARY: This rule amends the Export Administration Regulations (EAR) by adding ten additional persons located in Hong Kong and Taiwan to the Entity List (Supplement No. 4 to Part 744) on the basis of Section 744.11 of the EAR. These persons that are added to the Entity List have been determined by the U.S. Government to be acting contrary to the national security or foreign policy interests of the United States.

The Entity List provides notice to the public that certain exports, reexports, and transfers (in-country) to parties identified on the Entity List require a license from the Bureau of Industry and Security (BIS) and that availability of license exceptions in such transactions is limited.

DATES: *Effective Date:* This rule is effective February 19, 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-AE84, by any of the following methods:

E-mail: publiccomments@bis.doc.gov. Include "RIN 0694-AE84" 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: Timothy Mooney, U.S. Department of Commerce, Bureau of Industry and Security, Regulatory Policy Division, 14th St. & Pennsylvania Avenue, NW., Room 2705, Washington, DC 20230, *Attn:* RIN 0694-AE84. Send comments regarding the collection of information associated with this rule, including suggestions for reducing the burden, to Jasmeet K. Seehra, Office of Management and Budget (OMB), by e-mail to 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 St. & 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-AE84)—all comments on the latter should be submitted by one of the three methods outlined above.

FOR FURTHER INFORMATION CONTACT: Elizabeth Scott Sangine, Acting Chairman, End-User Review Committee, Office of the Assistant Secretary, Export Administration, Bureau of Industry and Security, Department of Commerce, Phone: (202) 482-3343, Fax: (202) 482-3911, e-mail: bscott@bis.doc.gov.

SUPPLEMENTARY INFORMATION:**Background**

The Entity List provides notice to the public that certain exports, reexports, and transfers (in-country) to parties identified on the Entity List require a license from the Bureau of Industry and Security (BIS) and that availability of license exceptions in such transactions is limited. Persons are placed on the Entity List on the basis of criteria set forth in certain sections of part 744 (Control Policy: End-User and End-Use Based) of the EAR.

The End-User Review Committee (ERC), composed of representatives of the Departments of Commerce (Chair), State, Defense, Energy and, where appropriate, the Treasury, makes all decisions regarding additions to, removals from or changes to the Entity List. The ERC makes all decisions to add an entry to the Entity List by majority vote and all decisions to remove or modify an entry by unanimous vote.

ERC Entity List Decisions

The ERC made a determination to add ten persons to the Entity List on the basis of § 744.11 (License Requirements That Apply to Entities Acting Contrary to the National Security or Foreign Policy Interests of the United States) of the EAR. The ten entries added to the Entity List consist of six persons in Hong Kong and four persons in Taiwan.

The ERC reviewed § 744.11(b) (Criteria for revising the Entity List) in making the determination to add these persons to the Entity List. Under that paragraph, entities for which there is reasonable cause to believe, based on specific and articulable facts, that have been involved, are involved, or pose a significant risk of being or becoming involved in activities that are contrary to the national security or foreign policy interests of the United States and those acting on behalf of such entities may be

added to the Entity List pursuant to § 744.11. Paragraphs (b)(1)–(b)(5) include an illustrative list of activities that could be contrary to the national security or foreign policy interests of the United States. The persons being added to the Entity List under this rule have been determined by the ERC to be involved in activities that could be contrary to the national security or foreign policy interests of the United States.

Additions to the Entity List

This rule implements the decision of the ERC to add ten persons to the Entity List on the basis of § 744.11 of the EAR. For all of the ten persons added to the Entity List, the ERC specifies a license requirement for all items subject to the EAR and establishes a license application review policy of a presumption of denial. The license requirement applies to any transaction in which items are to be exported, reexported or transferred (in-country) to such persons or in which such persons act as purchaser, intermediate consignee, ultimate consignee, or end-user. In addition, no license exceptions are available for shipments to those persons being added to the Entity List.

Specifically, this rule adds the following ten persons to the Entity List:

Hong Kong

(1) *ACTeam Logistics Ltd.*, Unit B1–B3, 21/F, Block B, Kong Nam Industrial Building, 603–609 Castle Peak Road, Tsuen Wan, N.T., Hong Kong;

(2) *Dick Kuo*, Room 9–11, 5/F, Block B, Hoplite Industrial Centre, 3–5 Wang Tai Road, Kowloon, Hong Kong;

(3) *Dick Leung*, GF Seapower Industrial Building 177, Hoi Bun Road, Kowloon, Hong Kong;

(4) *Joe Shih*, Room 9–11, 5/F, Block B, Hoplite Industrial Centre, 3–5 Wang Tai Road, Kowloon, Hong Kong;

(5) *Signet Express Co., Ltd.*, Room 9–11, 5/F, Block B, Hoplite Industrial Centre, 3–5 Wang Tai Road, Kowloon, Hong Kong; *and*

(6) *Tex-Co Logistics Ltd.*, GF Seapower Industrial Building 177, Hoi Bun Road, Kowloon, Hong Kong, *and* Room 2202, 22F, Causeway Bay Plaza 1, 489 Hennessey Road, Causeway Bay, Hong Kong, *and* Room B03, 6/F, Cheong Wah Factory Building, 39–41 Sheung Heung Road, Tokwawan, Kowloon, Hong Kong.

Taiwan

(1) *Christine Sun*, 7th Floor, Number 17, Zhonghua Rd., Sec 2, Xinzhuang City, Taipei, Taiwan;

(2) *In-Tech Company, a.k.a., In-Tech Telecom*, Number 15, Lane 347,

Jhongjheng Road, Sinjihuang City, Taipei, Taiwan, and 7th Floor, Number 17, Zhonghua Rd., Sec 2, Xinzhuang City, Taipei, Taiwan;

(3) Landstar Tech Company Ltd., 13/F, Number 181, Sec 1, Datong Rd., Sijhih City, Taipei, Taiwan; and

(4) Yi-Lan Chen, a.k.a., Kevin Chen, 13/F, Number 181, Sec 1, Datong Rd., Sijhih City, Taipei, Taiwan, and 7th Floor, Number 17, Zhonghua Rd., Sec 2, Xinzhuang City, Taipei, Taiwan.

A BIS license is required for the export, reexport or transfer (in-country) of any item subject to the EAR to any of the persons listed above, including any transaction in which any of the listed persons will act as purchaser, intermediate consignee, ultimate consignee, or end-user of the items. This listing of these persons also prohibits the use of license exceptions (see part 740 of the EAR) for exports, reexports and transfers (in-country) of items subject to the EAR involving such persons.

Savings Clause

Shipments of items removed from eligibility for a License Exception or export or reexport without a license (NLR) as a result of this regulatory action that were on dock for loading, on lighter, laden aboard an exporting or reexporting carrier, or en route aboard a carrier to a port of export or reexport, on February 19, 2010, pursuant to actual orders for export or reexport to a foreign destination, may proceed to that destination under the previous eligibility for a License Exception or export or reexport without a license (NLR) so long as they are exported or reexported before March 22, 2010. Any such items not actually exported or reexported before midnight, on March 22, 2010, require a license in accordance with this rule.

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.

Rulemaking Requirements

1. This 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 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 regulation involves collections previously approved by the OMB under control numbers 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. Total burden hours associated with the Paperwork Reduction Act and Office and Management and Budget control number 0694–0088 are expected to increase slightly as a result 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 or foreign affairs function of the United States. (See 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 rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by 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.

List of Subjects in 15 CFR Part 744

Exports, Reporting and recordkeeping requirements, Terrorism.

■ Accordingly, part 744 of the Export Administration Regulations (15 CFR parts 730–774) is amended as follows:

PART 744—[AMENDED]

■ 1. The authority citation for 15 CFR part 744 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 22 U.S.C. 3201 *et seq.*; 42 U.S.C. 2139a; 22 U.S.C. 7201 *et seq.*; 22 U.S.C. 7210; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 12947, 60 FR 5079, 3 CFR, 1995 Comp., p. 356; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13099, 63 FR 45167, 3 CFR, 1998 Comp., p. 208; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13224, 66 FR 49079, 3 CFR, 2001 Comp., p. 786; Notice of August 13, 2009, 74 FR 41325 (August 14, 2009); Notice of November 6, 2009, 74 FR 58187 (November 10, 2009).

■ 2. Supplement No. 4 to part 744 is amended:

■ a. By adding under Hong Kong, in alphabetical order, six Hong Kong entities; and

■ b. By adding, in alphabetical order, the destination of Taiwan under the Country column and four Taiwanese entities;

The additions read as follows:

Supplement No. 4 to Part 744—Entity List

Country	Entity	License requirement	License review policy	Federal Register citation
*	*	*	*	*
HONG KONG				
*	*	*	*	*
	ACTeam Logistics Ltd., Unit B1–B3, 21/F, Block B, Kong Nam Industrial Building, 603–609 Castle Peak Road, Tsuen Wan, N.T., Hong Kong.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	75 FR [INSERT FR PAGE NUMBER], 2/19/10.

Country	Entity	License requirement	License review policy	Federal Register citation
*	*	*	*	*
	Dick Kuo, Room 9–11, 5/F, Block B, Hoplite Industrial Centre, 3–5 Wang Tai Road, Kowloon, Hong Kong.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	75 [INSERT FR PAGE NUMBER], 2/19/10.
	Dick Leung, GF Seapower Industrial Building 177, Hoi Bun Road, Kowloon, Hong Kong.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	75 FR [INSERT FR PAGE NUMBER], 2/19/10.
*	*	*	*	*
	Joe Shih, Room 9–11, 5/F, Block B, Hoplite Industrial Centre, 3–5 Wang Tai Road, Kowloon, Hong Kong.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	75 FR [INSERT FR PAGE NUMBER], 2/19/10.
*	*	*	*	*
	Signet Express Co., Ltd., Room 9–11, 5/F, Block B, Hoplite Industrial Centre, 3–5 Wang Tai Road, Kowloon, Hong Kong.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	75 FR [INSERT FR PAGE NUMBER], 2/19/10.
*	*	*	*	*
	Tex-Co Logistics Ltd., GF Seapower Industrial Building 177, Hoi Bun Road, Kowloon, Hong Kong, and Room 2202, 22F, Causeway Bay Plaza 1, 489 Hennessey Road, Causeway Bay, Hong Kong, and Room B03, 6/F, Cheong Wah Factory Building, 39–41 Sheung Heung Road, Tokwawan, Kowloon, Hong Kong.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	75 FR [INSERT FR PAGE NUMBER], 2/19/10.
*	*	*	*	*
TAIWAN	Christine Sun, 7th Floor, Number 17, Zhonghua Rd., Sec 2, Xinzhuang City, Taipei, Taiwan.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	75 FR [INSERT FR PAGE NUMBER], 2/19/10.
	In-Tech Company, a.k.a., In-Tech Telecom, Number 15, Lane 347, Jhongjheng Road, Sinjhuang City, Taipei, Taiwan, and 7th Floor, Number 17, Zhonghua Rd., Sec 2, Xinzhuang City, Taipei, Taiwan.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	75 FR [INSERT FR PAGE NUMBER], 2/19/10.
	Landstar Tech Company Ltd., 13/F, Number 181, Sec 1, Datong Rd., Sijhih City, Taipei, Taiwan.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	75 FR [INSERT FR PAGE NUMBER], 2/19/10.
	Yi-Lan Chen, a.k.a., Kevin Chen, 13/F, Number 181, Sec 1, Datong Rd., Sijhih City, Taipei, Taiwan, and 7th Floor, Number 17, Zhonghua Rd., Sec 2, Xinzhuang City, Taipei, Taiwan.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	75 FR [INSERT FR PAGE NUMBER], 2/19/10.
*	*	*	*	*

Dated: February 3, 2010.

Matthew S. Borman,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 2010-3278 Filed 2-18-10; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 902

50 CFR Part 300

[Docket No. 070717350-9936-02]

RIN 0648-AV63

International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Initial Implementation of the Western and Central Pacific Fisheries Convention; Correction

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule; correction.

SUMMARY: This action corrects the effective date of final regulations published in the Federal Register on January 21, 2010, from February 22, 2010, to April 21, 2010. The rule establishes regulations needed to carry out the obligations of the United States under the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Convention). The regulations include requirements related to permitting, vessel monitoring systems, vessel observers, vessel markings, reporting and recordkeeping, at-sea transshipment, and boarding and inspection on the high seas, among others. The rule will have the effect of requiring that all relevant U.S. fishing vessels are operated in conformance with the provisions of the Convention.

DATES: The effective date of the final regulations published in the Federal Register on January 21, 2010, at 75 FR 3335, is April 21, 2010.

FOR FURTHER INFORMATION CONTACT: Tom Graham, NMFS Pacific Islands Region, 808-944-2219.

SUPPLEMENTARY INFORMATION:

Need for Correction

In the document published January 21, 2010 (75 FR 3335), under the **DATES** section, the effective date of the final rule was erroneously stated as being

February 22, 2010. This document corrects the effective date to read as follows:

DATES: This final rule is effective April 21, 2010.

Authority: 16 U.S.C. 5501 et seq.; 16 U.S.C. 6901 et seq.

Dated: February 12, 2010.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2010-3277 Filed 2-18-10; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 922

[Docket No. 090122043-0025-02]

RIN 0648-AX37

Gray's Reef National Marine Sanctuary Regulations on the Use of Spearfishing Gear

AGENCY: Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Final rule.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA) is issuing a final rule to prohibit the use of spearfishing gear in Gray's Reef National Marine Sanctuary (GRNMS or sanctuary). Possession of spearfishing gear is also prohibited except for vessels passing through the sanctuary without interruption, and only when the gear is stowed and not available for immediate use. Spearfishing can selectively target larger fish, and can significantly reduce abundance and alter the relative size structure of target species toward smaller fish. In addition, spearfishing can impact ecosystem health by altering the composition of the overall natural communities of species. The largest fish are important as predators in maintaining a balanced and complete ecosystem; their selective removal may cause ecological imbalance. Therefore, the prohibition provides protection to the fishes and natural live-bottom community for which the sanctuary was designated. The final rule also facilitates enforcement of an existing prohibition against the use of powerheads within the sanctuary. An environmental assessment has been prepared for this proposed action.

DATES: Effective Date: These regulations are effective on March 22, 2010.

ADDRESSES: Copies of the environmental assessment and the socio-economic study described in this rule are available upon request to Gray's Reef National Marine Sanctuary, 10 Ocean Science Circle, Savannah, GA 31411, Attn: Dr. George Sedberry, Superintendent. These documents can also be viewed on the Web and downloaded at <http://graysreef.noaa.gov>.

FOR FURTHER INFORMATION CONTACT: Stewardship Coordinator Becky Shortland at (912) 598-2381.

SUPPLEMENTARY INFORMATION:

I. Background

A. Gray's Reef National Marine Sanctuary

GRNMS was designated as the nation's fourth national marine sanctuary in 1981 for the purposes of protecting the quality of its unique and fragile ecological community; promoting scientific understanding of the live bottom ecosystem; and enhancing public awareness and wise use of this significant regional resource. GRNMS protects 16.68 square nautical miles of open ocean and submerged lands of particularly dense and nearshore patches of productive live bottom habitat. The sanctuary is influenced by complex ocean currents and serves as a mixing zone for temperate (colder water) and sub-tropical species. The series of rock ledges and sand expanses has produced a complex habitat of caves, burrows, troughs, and overhangs that provide a solid base upon which a rich carpet of temperate and tropical marine flora and fauna attach and grow.

This flourishing ecosystem attracts mackerel, grouper, black sea bass, angelfish, and a host of other fishes. An estimated 180 species of fish, encompassing a wide variety of sizes, forms, and ecological roles, have been recorded at GRNMS. Loggerhead sea turtles, a threatened species, use GRNMS year-round for foraging and resting, and the highly endangered northern right whale is occasionally seen in Gray's Reef. GRNMS is one of the most popular sportfishing areas along the Georgia coast.

B. Need for Action

This regulation is being promulgated for two reasons. First, the action provides greater protection to sanctuary resources by removing a gear type that can be used to selectively target larger fish, and can thereby negatively alter the size structure of fish populations. While the number of recreational divers spearfishing at GRNMS appears to be