

for existing restricted areas. There are no changes to air traffic procedures or routes as a result of this action. Therefore, the FAA determined that this action qualifies for a categorical exclusion from further environmental analysis under the National Environmental Policy Act in accordance with FAA Order 1050.1E, "Environmental Impacts: Policies and Procedures," paragraph 311d.

List of Subjects in 14 CFR Part 73

Airspace, Navigation (air).

Adoption of the Amendment

■ In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 73, as follows:

PART 73—SPECIAL USE AIRSPACE

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 73.29 [Amended]

■ 2. § 73.29 is amended as follows:

* * * * *

R-2932 Cape Canaveral, FL [Amended]

By removing the words "Using agency. U.S. Air Force, Eastern Space and Missile Center/RRS, Cape Canaveral AFS, FL," and substituting "Using agency. Commander, 1st Range Operations Squadron, Cape Canaveral AFS, FL."

R-2933 Cape Canaveral, FL [Amended]

By removing the words "Using agency. U.S. Air Force, Eastern Space and Missile Center/RRS, Cape Canaveral AFS, FL," and substituting "Using agency. Commander, 1st Range Operations Squadron, Cape Canaveral AFS, FL."

R-2934 Cape Canaveral, FL [Amended]

By removing the words "Using agency. U.S. Air Force, Eastern Space and Missile Center/RRS, Cape Canaveral AFS, FL," and substituting "Using agency. Commander, 1st Range Operations Squadron, Cape Canaveral AFS, FL."

R-2935 Cape Canaveral, FL [Amended]

By removing the words "Using agency. U.S. Air Force, Eastern Space and Missile Center/RRS, Cape Canaveral AFS, FL," and substituting "Using agency. Commander, 1st Range Operations Squadron, Cape Canaveral AFS, FL."

* * * * *

Issued in Washington, DC, on November 16, 2004.

Reginald C. Matthews,
Manager, Airspace and Rules.

[FR Doc. 04-25882 Filed 11-22-04; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Part 750

[Docket No. 041001275-4275-01]

RIN 0694-AD05

Revision of Licensee's Responsibility To Communicate License Conditions

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Interim rule.

SUMMARY: This interim rule revises the Export Administration Regulations (EAR) to require licensees to communicate in writing specific license conditions to the parties to whom the license conditions apply. This rule also makes a technical correction to the title of part 750 of the EAR.

DATES: This rule is effective: December 23, 2004.

FOR FURTHER INFORMATION CONTACT: Jeffery Lynch, Regulatory Policy Division, Office of Exporter Services, Bureau of Industry and Security; e-mail: *jlynch@bis.doc.gov*.

SUPPLEMENTARY INFORMATION:

Background

In July 2000, BIS published a regulation (65 FR 42565) that required the licensee to communicate specific license conditions to applicable parties. The Export Administration Regulations (EAR) state, in § 750.7(d), that "it is the licensee's responsibility to communicate the specific license conditions to the parties to whom those conditions apply. In addition, when required by the license condition, the licensee is responsible for obtaining written acknowledgment(s) of receipt of the conditions from the party(ies) to whom those conditions apply."

The purpose of this rule is to ensure that license conditions are communicated to the parties to whom they apply, and to clarify the manner in which the conditions should be communicated. Such communication must be in writing (which includes recorded and retrievable media, such as e-mail). This revision is in accordance with the Government Accountability Office's (GAO) post-shipment verification recommendations to the Bureau of Industry and Security (BIS) (found in GAO-04-357). This revision will not increase the burden to the public, as license conditions generally are typically communicated in writing, (e.g., via e-mail or facsimile).

The written communication of the text of license conditions (not the

manner in which the writing is formatted) is the most important aspect of this requirement. For example, if a licensee communicates the conditions via a sales contract, then the sales contract must specifically state that the conditions continue beyond any stated validity period of the contract.

Export licenses may include several different types of conditions, including restrictions on end-use, requirements to keep records or submit reports, or requirements to return certain items to the United States. Some licenses may be subject to several conditions, each of which may affect a different party to the export transaction. Pursuant to the requirements set forth in this rule, the licensee bears the responsibility of ensuring that the terms and text of the conditions are clearly conveyed to the appropriate involved parties.

In addition to the above provisions, this rule also makes a technical correction to the title of Part 750 of the EAR. Currently, that part is entitled "Application Processing, Issuance or and Denial." The "or and" in the title is in reverse order. This rule changes the title to read "Application Processing, Issuance and Denial."

Although the Export Administration Act expired on August 20, 2001, Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp., p. 783 (2002)), as extended by the Notice of August 6, 2004, 69 FR 48763 (August 10, 2004) continues the EAR in effect under the International Emergency Economic Powers Act.

Rulemaking Requirements

1. This interim 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 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 (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 rule involves a collection of information subject to the PRA. This collection has been approved by OMB under control number 0694-0122, "Multi-Purpose Application," which carries a burden hour estimate of 10 minutes for a manual or electronic submission. Send comments regarding these burden estimates or any other aspect of this collection of information, including suggestions for reducing the burden, to David Rostker, Office of Management and Budget (OMB), by e-mail to

David.Rostker@omb.eop.gov, or by fax to (202) 395-7285; and to the Office of Administration, Bureau of Industry and Security, Department of Commerce, 14th and Pennsylvania Avenue, NW., Room 6883, Washington, DC 20230.

3. This rule does not contain policies with federalism implications as that term is defined under E.O. 13132.

4. The Department finds under 5 U.S.C. 553(b)(B) that good cause exists to waive prior notice and opportunity for public comment. This rule revises the EAR to require licensees to communicate in writing specific license conditions to the parties to whom they apply. By requiring such notice to be in writing, BIS merely clarifies the form in which the notice must be provided. The previously existing EAR requirement to provide such notice is unchanged by this rule. Because this revision is not a substantive change to the EAR, it is unnecessary to provide prior notice and opportunity for public comment. Therefore, this rule is being issued in interim form.

Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis. Comments should be submitted to Jeffrey Lynch, Regulatory Policy Division, Office of Exporter Services, Bureau of Industry and Security, P.O. Box 273, Washington, DC 20044, e-mailed to: jlynch@bis.doc.gov, or faxed to (202) 482-3355.

The public record concerning this regulation will be maintained in the Bureau of Industry and Security Freedom of Information Records Inspection Facility, Room 6881, Department of Commerce, 14th Street and Pennsylvania Avenue, NW., Washington, DC 20230. Records in this facility may be inspected and copied in accordance with regulations published in part 4 of Title 15 of the Code of Federal Regulations. Information about the inspection and copying of records at the facility may be obtained from the Bureau of Industry and Security Freedom of Information Officer, at the above address or by calling (202) 482-0500.

List of Subjects for 15 CFR Part 750

Administrative practice and procedure, Exports, Reporting and recordkeeping requirements.

■ Accordingly, part 750 of the Export Administration Regulations (15 CFR parts 730-799) is amended as follows:

PART 750—[AMENDED]

■ 1. The authority citation for 15 CFR part 750 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; Sec 1503, Pub. L. 108-11, 117 Stat. 559; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Presidential Determination 2003-23 of May 7, 2003, 68 FR 26459, May 16, 2003; Notice of August 6, 2004, 69 FR 48763 (August 10, 2004).

■ 2. Revise the title of part 750 to read as follows: "PART 750—APPLICATION PROCESSING, ISSUANCE, AND DENIAL".

§ 750.7 [Amended]

■ 3. Revise the sixth sentence in § 750.7(d) to read as follows: "It is the licensee's responsibility to communicate in writing the specific license conditions."

Dated: November 16, 2004.

Peter Lichtenbaum,

Assistant Secretary for Export Administration.

[FR Doc. 04-25951 Filed 11-22-04; 8:45 am]

BILLING CODE 3510-33-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9130]

RIN 1545-BA60

Required Distributions From Retirement Plans; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correcting amendment.

SUMMARY: This document contains corrections to final regulations (TD 9130) which were published in the **Federal Register** on Tuesday, June 15, 2004 (69 FR 33288). These final regulations relate to the required minimum distributions under section 401(a)(9) for defined benefit plans and annuity contracts providing benefits under qualified plans, individual retirement plans, and section 403(b) contracts.

DATES: This correction is effective June 15, 2004.

FOR FURTHER INFORMATION CONTACT: Cathy Vohs at (202) 622-6090 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations (TD 9130) that are the subject of these corrections are under sections 401 and 403 of the Internal Revenue Code.

Need for Correction

As published, TD 9130 contains errors that may prove to be misleading and are in need of clarification.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Correction of Publication

■ Accordingly, 26 CFR part 1 is corrected by making the following correcting amendments:

PART 1—INCOME TAXES

■ **Paragraph 1.** The authority citation for part 1 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

§ 1.401(a)(9)-6 [Corrected]

■ 1. Section 1.401(a)(9)-6(c)(3) of A-2, in the *Example.*, fifth sentence, the language, "In this case, Z is 30 years older than Y and is commencing benefit 5 years before attaining age 70 so the adjusted employee-beneficiary age difference is 25 years." is removed and the language "In this case, Z is 30 years older than Y and is commencing benefit 4 years before attaining age 70 so the adjusted employee-beneficiary age difference is 26 years." is added in its place.

■ 2. Section 1.401(a)(9)-6(c)(3) of A-2, in the *Example.*, sixth sentence, the language, "Under the table in paragraph (c)(2) of this A-2, the applicable percentage for a 25-year adjusted employee/beneficiary age difference is 66 percent." is removed and the language "Under the table in the paragraph (c)(2) of this A-2, the applicable percentage for a 26-year adjusted employee/beneficiary age difference is 64 percent." is added in its place.

■ 3. Section 1.401(a)(9)-6(c)(2) of A-12 is amended by removing "A-14" and adding "A-12" in its place.

■ 4. Section 1.401(a)(9)-6(d) *Example 1.* (vii) of A-13 is amended by removing the language "under paragraph (c)(1)".

■ 5. Section 1.401(a)(9)-6(d) *Example 3.* (i) of A-13, is amended by adding a new second sentence "E was born in 1935."

■ 6. Section 1.401(a)(9)-6(f) *Example 8.* (ii) of A-14, last sentence of the paragraph the word "be" is removed.

Cynthia E. Grigsby,

Acting Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel, (Procedures and Administration).

[FR Doc. 04-25963 Filed 11-22-04; 8:45 am]

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