Adoption of the Amendment

■ Accordingly, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 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.

§ 71.1   [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9M, dated August 30, 2004, and effective September 16, 2004, is amended as follows:

Paragraph 6005   Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

*   *   *   *   *

ACE MO E5   Mountain Grove, MO

Mountain Grove Memorial Airport, MO (Lat. 37°07′15″ N., long. 92°18′40″ W.)
   That airspace extending upward from 700 feet above the surface within a 6.8-mile radius of Mountain Grove Memorial Airport.

*   *   *   *   *

   Issued in Kansas City, MO, on February 22, 2005.

Anthony D. Roetzel,
Acting Area Director, Western Flight Services Operations.
[FR Doc. 05–4658 Filed 3–9–05; 8:45 am]
BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2004–19582; Airspace Docket No. 04–ACE–72]

Establishment of Class E2 Airspace; and Modiciation of Class E5 Airspace; Newton, IA

AGENCY: Federal Aviation Administration (FAA), DOT.
ACTION: Final rule.

SUMMARY: This rule establishes a Class E surface area at Newton, IA. It also modifies the Class E airspace area extending upward from 700 feet above the surface at Newton, IA.
   The effect of this rule is to provide appropriate controlled Class E airspace for aircraft departing from and executing instrument approach procedures to Newton Municipal Airport and to segregate aircraft using instrument approach procedures in instrument conditions from aircraft operating in visual conditions.

EFFECTIVE DATE: 0901 UTC, May 12, 2005.

FOR FURTHER INFORMATION CONTACT: Brenda Mumper, Air Traffic Division, Airspace Branch, ACE–520A, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone: (816) 329–2524.

SUPPLEMENTARY INFORMATION:

History

   On Wednesday, January 19, 2005, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish a Class E surface area and to modify other Class E airspace at Newton, IA (70 FR 2989). The proposal was to bring Newton, IA airspace areas into compliance with FAA directives. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

The Rule

   This amendment to 14 CFR part 71 establishes Class E airspace designated as a surface area for an airport at Newton, IA. Controlled airspace extending upward from the surface of the earth is needed to contain aircraft executing instrument approach procedures to Newton Municipal Airport. Weather observations will be provided by an Automatic Weather Observing/Reporting System (AWOS) and communications will be direct with Des Moines Terminal Radar Approach Control Facility.
   This rule also revises the Class E airspace area extending upward from 700 feet above the surface at Newton, IA. An examination of this Class E airspace area for Newton, IA revealed noncompliance with FAA directives. This corrects identified discrepancies by decreasing the area from a 6.7-mile to a 6.5-mile radius of Newton Municipal Airport, decreasing the width of the extension from 2.6 to 1.4 miles each side of centerline, modifying the extension centerline and defining airspace of appropriate dimensions to protect aircraft departing and executing instrument approach procedures to Newton Municipal Airport. The airspace area is brought into compliance with FAA Orders 7400.2E, Procedures for Handling Airspace Matters, and

8260.19C, Flight Procedures and Airspace. Both areas will be depicted on appropriate aeronautical charts.
   Class E airspace areas designated as surface areas are published in Paragraph 6002 of FAA Order 7400.9M, Airspace Designations and Reporting Points, dated August 30, 2004, and effective September 16, 2004, which is incorporated by reference in 14 CFR 71.1. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in Paragraph 6005 of the same Order. The Class E airspace designations listed in this document will be published subsequently in the Order.
   The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.
   This rulemaking is promulgated under the authority described in subtitle VII, part A, subpart I, section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority since it contains aircraft executing instrument approach procedures to Newton Municipal Airport.

List of Subjects in 14 CFR Part 71

   Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

■ In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 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.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9M, dated August 30, 2004, and effective September 16, 2004, is amended as follows:

Paragraph 6002 Class E Airspace Designated as Surface Areas.

* * * * *

ACE IA E2 Newton, IA

Newton Municipal Airport, IA
    (Lat. 41°40′28″ N., long. 93°01′18″ W.)
Newton VOR/DME
    (Lat. 41°47′02″ N., long. 93°06′32″ W.)

Within a 4-mile radius of Newton Municipal Airport, and within 1.3 miles each side of the Newton VOR/DME 150° radial extending from the 4-mile radius of the airport to 1.4 miles southeast of the VOR/DME.

* * * * *

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ACE IA E5 Newton, IA

Newton Municipal Airport, IA
    (Lat. 41°40′28″ N., long. 93°01′18″ W.)
Newton VOR/DME
    (Lat. 41°47′02″ N., long. 93°06′32″ W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Newton Municipal Airport, and within 1.4 miles each side of the Newton VOR/DME 150° radial extending from the 6.5-mile radius of the airport to the VOR/DME.

* * * * *

Issued in Kansas City, MO, on March 1, 2005.

Rosalyn R. Ward,

Acting Area Director, Western Flight Services Operations.

[FR Doc. 05–4659 Filed 3–9–05; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Parts 740, 744, 772 and 774

[Docket No. 050218043–5043–01]

RIN 0694–AD42

Revisions to the Export Administration Regulations based on the 2004 Missile Technology Control Regime Plenary Agreements; Additions to the Entity List; Revisions to the Missile Catch-All Controls

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: The Bureau of Industry and Security (BIS) is amending the Export Administration Regulations (EAR), including various entries on the Commerce Control List (CCL), to reflect changes to the Missile Technology Control Regime (MTCR) Annex that were agreed to by MTCR member countries at the October 2004 Plenary in Seoul, South Korea, as well as the plenary decision to allow Bulgaria to become a member of the MTCR.

In addition to these changes, this rule adds four entities located in Syria to the Entity List. The Entity List is a compilation of end-users that present an unacceptable risk of using or diverting certain items to activities related to weapons of mass destruction. BIS requires a license for most exports or reexports to these entities and maintains the Entity List to inform the public of these license requirements.

Lastly, this rule revises the missile catch-all controls for Restrictions on Certain Rocket Systems, by clarifying that the general prohibition includes a license requirement for items that will be used, anywhere in the world *except* by governmental programs for nuclear weapons delivery of NPT Nuclear Weapons States that are also members of NATO, in "the design, development, production or use of" rocket systems or unmanned air vehicles, regardless of range capabilities, for the delivery of chemical, biological, or nuclear weapons. This is a clarification of revisions published November 8, 2004 (69 FR 64657).

EFFECTIVE DATE: This rule is effective: March 10, 2005.

FOR FURTHER INFORMATION CONTACT: Steven B. Clagett, Director, Nuclear and Missile Technology Controls Division, Bureau of Industry and Security, Telephone: (202) 482–1641.

SUPPLEMENTARY INFORMATION:

Background

The Missile Technology Control Regime (MTCR) is an export control arrangement among 34 nations, including the world's most advanced suppliers of ballistic missiles and missile-related materials and equipment. The regime establishes a common export control policy based on a list of controlled items (the Annex) and on guidelines (the Guidelines) that member countries follow to implement national export controls. The goal of maintaining the Annex and the Guidelines is to stem the flow of missile systems capable of delivering weapons of mass destruction to the global marketplace.

While the MTCR was originally created to prevent the spread of missiles capable of carrying a nuclear warhead, it was expanded in January 1993 to also cover delivery systems for chemical and biological weapons. The only absolute prohibition in the regime's Guidelines is on the transfer of complete "production facilities" for specially designed items in Category I of the MTCR Annex.

MTCR members voluntarily pledge to adopt the regime's export Guidelines and to restrict the export of items contained in the regime's Annex. The implementation of the regime's Guidelines is effectuated through the national export control laws and policies of the regime members.

This rule makes the following revisions to the Export Administration Regulations (EAR) to reflect changes to the Missile Technology Control Regime (MTCR) Annex agreed to at the October 2004 Plenary in Seoul, South Korea and to reflect the new membership of Bulgaria in the MTCR:

As a result of Bulgaria becoming a member of the Missile Technology Control Regime, the entry for Bulgaria in supplement No. 1 to part 740 (Country Group A) is revised by inserting an "X" in the box under column [A:2](Missile Technology Control Regime).

This rule amends Part 772 of the EAR to revise the definition for "Usable in" or "Capable of" (MTCR context) to now include "usable for" and "usable as" in the list of terms that are defined by this definition. In addition, the first sentence of this definition is revised from reading "Equipment, parts, components or 'software' that are suitable for a particular purpose." to read "Equipment, parts, components, materials or 'software' *which* are suitable for a particular purpose." (MTCR Annex change, Introduction, Definitions, Terminology)

In addition, the Commerce Control List (CCL) (EAR Part 774) is amended to