

**Related Information**

(j) CAA airworthiness directive No. G-2004-0016, dated June 20, 2004, also addresses the subject of this AD.

Issued in Burlington, Massachusetts, on November 1, 2004.

**Peter A. White,**

*Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.*

[FR Doc. 04-24817 Filed 11-5-04; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 71**

[Docket No. FAA-2004-19404; Airspace Docket No. 2004-ASW-13]

**Modification to Class D Airspace; Alamogordo, NM**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Direct final rule; request for comments.

**SUMMARY:** This action modifies the Class D airspace area at Holloman Air Force Base, Alamogordo, NM (HMN). The closure of Midway Airport, Alamogordo, NM has made this rule necessary. The intended effect of this rule is to modify the controlled airspace to include that area within the 4.8-mile radius of Holloman Air Force Base originally excluded because of Midway Airport.

**DATES:** Effective 0901 UTC, March 17, 2005.

Comments for inclusion in the Rules Docket must be received on or before December 15, 2004.

**ADDRESSES:** Send comments on the rule to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590-0001. You must identify the docket number, FAA-2004-19404/Airspace Docket No. 2004-ASW-13, at the beginning of your comments. You may also submit comments on the Internet at <http://dms.dot.gov>. Anyone can find and read the comments received in this docket, including the name, address and any other personal information placed in the docket by a commenter. You may review the public docket containing any comments received and this Direct Final Rule in person at the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1-800-647-5527) is located on the plaza level of the Department of Transportation Nassif

Building at the street address stated previously.

An informal docket may also be examined during normal business hours at the office of the Air Traffic Division, Airspace Branch, Federal Aviation Administration, Southwest Region, 2601 Meacham Boulevard, Fort Worth, TX. Call the manager, Airspace Branch, ASW-520, telephone (817) 222-5520; fax (817) 222-5981, to make arrangements for your visit.

**FOR FURTHER INFORMATION CONTACT:**

Joseph R. Yadouga, Air Traffic Division, Airspace Branch, Federal Aviation Administration, Southwest Region, Fort Worth, TX 76193-0520; telephone: (817) 222-5597.

**SUPPLEMENTARY INFORMATION:** This amendment to 14 CFR Part 71 modifies the Class D airspace designation for an airspace area from the surface up to but not including 6,600 feet MSL at Holloman Air Force Base, Alamogordo, NM and will be published in paragraph 5000 of FAA Order 7400.9M, dated August 30, 2004, and effective September 16, 2004, which is incorporated by reference in 14 CFR 71.1.

**The Direct Final Rule Procedure**

The FAA anticipates that this regulation will not result in an adverse or negative comment, and, therefore, issues it as a direct final rule. 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. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

**Comments Invited**

Although this action is in the form of a direct final rule, and was not preceded by a notice of proposed rulemaking, interested persons are invited to

comment on this rule by submitting such written data, views, or arguments as they may desire. Communications must identify both docket numbers. All communications received on or before the closing date for comments will be considered, and this rule may be amended or withdrawn in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of this action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this action will be filed in the Rules Docket.

**Agency Findings**

This rule does not have federalism implications, as defined in Executive Order No. 13132, because it does not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, the FAA has not consulted with State authorities prior to publication of this rule.

The FAA has determined that this regulation is noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed, I certify that this regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as these routine matters will only affect air traffic procedures and air navigation. I certify that this rule will not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

**Adoption of the Amendment**

■ Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration amends part 71 of the

Federal Aviation Regulations (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. 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, Airspace Designations and Reporting Points, dated August 30, 2004, and effective September 16, 2004, is amended as follows:

*Paragraph 500 Class D Airspace Areas Extending Upward From the Surface of the Earth.*

\* \* \* \* \*

**ASW NM D Alamogordo, TX [Revised]**

Alamogordo, Holloman AFB, NM

Lat. 32°51'09" N, long. 106°06'23" W

Alamogordo-White Sands Regional Airport, NM

Lat. 32°50'24" N, long. 105°59'26" W

Holloman ILS Localizer

Lat. 32°49'48" N, long. 106°06'31" W

That airspace extending upward from the surface up to and including 6,600 feet MSL within a 4.8-mile radius of Holloman AFB, NM and within 1 mile each side of the Holloman ILS Localizer northwest course extending from the 4.8-mile radius to 5.4 miles northwest of the airport excluding that airspace within 2-mile radius of the Alamogordo-White Sands Regional Airport, NM.

\* \* \* \* \*

Issued in Fort Worth, TX, on October 25, 2004.

**Herman J. Lyons, Jr.,**

*Area Director, Central En Route and Oceanic Operations.*

[FR Doc. 04–24848 Filed 11–5–04; 8:45 am]

**BILLING CODE 4910–13–M**

**DEPARTMENT OF COMMERCE**

**Bureau of Industry and Security**

**15 CFR Parts 740 and 744**

[Docket No. 040818241–4241–01]

RIN 0694–AC46

**Revisions to the Export Administration Regulations: Removal of the List of Missile Projects and Expansion of Missile-Related End-Use and End-User Controls**

**AGENCY:** Bureau of Industry and Security, Commerce.

**ACTION:** Interim rule.

**SUMMARY:** This interim rule amends the Export Administration Regulations (EAR) by removing the list of missile projects of concern and expanding license requirements for missile-related end-users and end-uses. This rule expands the scope of end-uses to which a license requirement applies to include certain rocket and unmanned air vehicle activities in certain countries of concern for missile proliferation reasons. In addition, this rule implements a new license requirement for exports, reexports and transfers anywhere in the world that applies when you know or are informed that an item subject to the EAR will be used in rocket systems or unmanned air vehicles of any range for the delivery of chemical, biological or nuclear weapons. These changes to the end-use and end-user controls are necessary to meet U.S. nonproliferation objectives and are consistent with the Missile Technology Control Regime (MTCR) Guidelines.

**DATES:** This rule is effective November 8, 2004.

**ADDRESSES:** You may submit comments, identified by RIN 0694–AC46, by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *E-mail:* [mblaskov@bis.doc.gov](mailto:mblaskov@bis.doc.gov).

Include “RIN 0694–AC46” in the subject line of the message.

- *Fax:* (202) 482–3355.

- *Mail or Hand Delivery/Courier:* Matthew Blaskovich, U.S. Department of Commerce, Bureau of Industry and Security, Regulatory Policy Division, 14th & Pennsylvania Avenue, NW., Room 2705, Washington, DC 20230, ATTN: RIN 0694–AC46.

**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**

*Current License Requirements for Missile-Related End-Uses/End-Users.*

Section 742.5 of the Export Administration Regulations (EAR) requires a license for the export or reexport to all destinations (except Canada) of those dual-use items specifically identified on the Commerce Control List (CCL) as controlled for missile technology (MT) reasons. Section 744.3 of the EAR also requires a license for the export or reexport of any item subject to the EAR, when the exporter knows or has reason to know that the item (1) is destined for a missile project listed in the footnote to Country Group D:4 in Supplement 1 to part 740 of the EAR, or (2) will be used in the design, development, production, or use of missiles in or by a country listed in Country Group D:4, whether or not the use involves a project listed in the footnote. “Missile” is defined in the EAR as a rocket system or unmanned air vehicle system capable of delivering at least 500 kilograms payload to a range of at least 300 kilometers. The list of missile projects set forth in the footnote to Supplement No. 1 to part 740 includes only those projects meeting the “missile” payload and range criteria.

*Removal of List of Missile Projects in D:4 Countries.* This rule removes the list of missile projects in D:4 countries set forth in the footnote in Supplement No. 1 to Part 740 of the EAR because the activities subject to the license requirement set forth in 744.3 are no longer limited to “missile” projects with a certain payload and range capability. The referenced activities are expanded, by this rule, to include any rocket system or unmanned air vehicle with a range of 300 kilometers to be used in D:4 countries.

*Worldwide License Requirement for Delivery Systems for Chemical, Biological or Nuclear Weapons.* This rule implements a new license requirement in section 744.3 for exports, reexports and transfers to anywhere in the world that applies when you know, or are informed, that an item subject to the EAR will be used in rocket systems or unmanned air vehicles of any range for the delivery of chemical, biological or nuclear weapons.

*Expansion of End-Use License Requirement for Country Group D:4 Countries.* This rule revises the license requirements under section 744.3 of the EAR to provide that a license is required for the export, reexport or transfer of any item subject to the EAR if you know, or are informed, that the item will be used in the design, development, production or use of rocket systems or