

# Rules and Regulations

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 23

[Docket No. CE228, Special Condition 23-167-SC]

#### Special Conditions; Diamond Aircraft Industries, EFIS and Full Authority Digital Engine Control (FADEC) on the Diamond DA-42; Protection of Systems for High Intensity Radiated Fields (HIRF)

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

**ACTION:** Final special conditions; request for comments; correction.

**SUMMARY:** The FAA published a document on June 30, 2005 (70 FR 37656) concerning final special conditions for Diamond Aircraft Industries on the Diamond DA-42. There was an error in the preamble of the special conditions in the reference to the docket number. This document contains a correction to the docket number.

**DATES:** The effective date of these special conditions is June 22, 2005. Comments must be received on or before August 1, 2005.

**ADDRESSES:** Comments may be mailed in duplicate to: Federal Aviation Administration, Regional Counsel, ACE-7, Attention: Rules Docket Clerk, Docket No. CE228, Room 506, 901 Locust, Kansas City, Missouri 64106. All comments must be marked: Docket No. CE228. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4 p.m.

**FOR FURTHER INFORMATION CONTACT:** Wes Ryan, Aerospace Engineer, Standards Office (ACE-110), Small Airplane Directorate, Aircraft Certification Service, Federal Aviation

Administration, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone (816) 329-4127.

#### SUPPLEMENTARY INFORMATION:

##### Need for Correction

The FAA published a document on June 30, 2005 (70 FR 37656) that issued final special conditions with a request for comments. In the document under the heading, in the **ADDRESSES** section, and in the "Comments Invited" section, the docket number "228" appears. The correct docket number is "CE228." This document corrects that error.

##### Correction of Publication

Accordingly, the preamble of the special conditions is revised to remove the docket number "228" and to replace it with "CE228" wherever it appears.

##### Comments Invited

Interested persons are invited to submit such written data, views, or arguments, as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator. The special conditions may be changed in light of the comments received. All comments received will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must include a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. CE228." The postcard will be date stamped and returned to the commenter.

Issued in Kansas City, Missouri on July 29, 2005.

**James E. Jackson,**

*Acting Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 05-15463 Filed 8-4-05; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2005-21141; Airspace Docket No. 05-AEA-11]

#### Amendment of Class E Airspace; Brunswick, ME; Correction

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

**ACTION:** Direct final rule; correction, delay of effective date.

**SUMMARY:** This action corrects a final rule published in the **Federal Register** on May 25, 2005 (70 FR 29943-29944). In that rule, the description of the designated airspace contained errors and omissions. Action to correct these errors and omissions result in a delay of the effective date. This action corrects the final rule and effective date. The correct effective date is October 27, 2005.

**EFFECTIVE DATES:** 0901 UTC, October 27, 2005.

**FOR FURTHER INFORMATION CONTACT:** Mr. Francis Jordan, Airspace Specialist, Airspace and Operations, ETSU-530, Eastern Terminal Service Unit, Eastern Region, Federal Aviation Administration, 1 Aviation Plaza, Jamaica, New York 11434-4809, telephone: (718) 553-4521.

**SUPPLEMENTARY INFORMATION:** On May 25, 2005, Docket No. FAA-2005-21141; Airspace Docket 05-AEA-11 (70 FR 29943-29944) was published amending Class E airspace at Brunswick, ME. In that rule, the description of the designated airspace omitted one airspace extension from the Brunswick Naval Air Station (NAS) and described in error one airspace extension from the Wiscasset Airport. Action to correct these errors and omissions result in delay of the effective date. This action corrects these errors and omissions and establishes an effective date.

#### Correction to Final Rule

■ Accordingly, pursuant to the authority delegated to me, Docket No. FAA-2005-21141; Airspace Docket No. 05-AEA-11, as published in the **Federal Register** on May 25, 2005, (70 FR 29943-29944) is corrected as follows:

On page 29943, correct the effective date to read October 27, 2005.

On page 29944, correct:

**PART 71—[CORRECTED]**

**§ 71.1 [Amended]**

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

\* \* \* \* \*

**ANE ME E5 Brunswick, ME [Revised]**

Brunswick NAS, ME  
(Lat. 43°53'32" N, long. 69°56'19" W)  
Wiscasset Airport, ME  
(Lat. 43°57'40" N, long. 69°42'48" W)

That airspace extending upward from 700 feet above the surface within a 7.8-mile radius of Brunswick NAS and within 4 miles each side of the 177° bearing from the Brunswick NAS extending from the 7.8-mile radius to 10 miles south of the airport and within 4 miles each side of the 357° bearing from the Brunswick NAS extending from the 7.8-mile radius to 10 miles north of the airport and within an 8.4-mile radius of Wiscasset Airport and within 4 miles south and 6 miles north of the 069° bearing from the Wiscasset Airport extending from the 8.4-mile radius to 15.5 miles east of the airport.

\* \* \* \* \*

Issued in Jamaica, New York on July 28, 2005.

**John G. McCartney,**

*Acting Area Director, Eastern Terminal Operations.*

[FR Doc. 05–15461 Filed 8–4–05; 8:45 am]

**BILLING CODE 4910–13–M**

**DEPARTMENT OF COMMERCE**

**Bureau of Industry and Security**

**15 CFR Parts 738, 740, 745, 772, and 774**

[Docket No. 050719191–5191–01]

RIN 0694–AD51

**Implementation of the Understandings Reached at the April 2005 Australia Group (AG) Plenary Meeting**

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

**ACTION:** Final rule.

**SUMMARY:** The Bureau of Industry and Security (BIS) is publishing this final rule to amend the Export Administration Regulations (EAR) to implement the understandings reached at the April 2005 plenary meeting of the Australia Group (AG). Specifically, this final rule amends the EAR to implement changes to the AG “Control List of Dual-Use Chemical Manufacturing Facilities and Equipment and Related Technology” by revising the Commerce Control List (CCL) entry that controls certain pumps that can be used to make

chemical weapons or AG-controlled precursor chemicals. This rule also amends the EAR to implement changes to the AG “Control List of Dual-Use Biological Equipment” by revising the CCL entry that controls equipment capable of use in handling biological materials to add certain spraying or fogging systems, spray booms or arrays of aerosol generating units, and components therefor.

In addition, this rule amends the CCL entry that controls certain genetic elements and genetically modified organisms by revising the Technical Note in the entry to clarify the scope of the controls on genetic elements and genetically modified organisms that contain nucleic acid sequences associated with the pathogenicity of any AG-controlled microorganisms, consistent with the AG “Control List of Biological Agents,” the AG “Control List of Animal Pathogens,” and the AG “Control List of Plant Pathogens.”

This rule also amends the EAR to reflect the addition of Ukraine to the Australia Group and updates the definition of “Australia Group” in the EAR to include a current listing of all participating countries.

Finally, this rule updates the list of countries that currently are States Parties to the Chemical Weapons Convention (CWC) by adding “Niue,” which recently became a State Party. As a result of this change, the CW (Chemical Weapons) license requirements and policies in the EAR that apply to Niue now conform with those applicable to other CWC States Parties. This rule also clarifies the entry for the “Netherlands” on the list of CWC States Parties by adding a footnote to this entry to indicate that, for CWC purposes only, the Netherlands includes “Aruba and the Netherlands Antilles.” This rule further updates the list by removing “Yugoslavia (Federal Republic of)” and replacing it with “Serbia and Montenegro.”

**DATES:** This rule is effective August 5, 2005. 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–AD51, by any of the following methods:

- *E-mail:* [public.comments@bis.doc.gov](mailto:public.comments@bis.doc.gov). Include “RIN 0694–AD51” 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:* Willard Fisher, 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–AD51.

**FOR FURTHER INFORMATION CONTACT:**

Douglas Brown, Office of Nonproliferation and Treaty Compliance, Bureau of Industry and Security, Telephone: (202) 482–7900.

**SUPPLEMENTARY INFORMATION:**

**Background**

*A. Revisions to the EAR Based on the Understandings Reached at the April 2005 Plenary Meeting of the Australia Group*

The Bureau of Industry and Security (BIS) is amending the Export Administration Regulations (EAR) to implement the understandings reached at the annual plenary meeting of the Australia Group (AG) that was held in Sydney, Australia, on April 18–21, 2005. The Australia Group is a multilateral forum, consisting of 39 participating countries, that maintains export controls on a list of chemicals, biological agents, and related equipment and technology that could be used in a chemical or biological weapons program. The AG periodically reviews items on its control list to enhance the effectiveness of participating governments’ national controls and to achieve greater harmonization among these controls.

The understandings reached at the April 2005 plenary meeting included a decision to revise the AG “Control List of Dual-Use Chemical Manufacturing Facilities and Equipment and Related Technology” to clarify controls on pumps usable for making chemical weapons and AG-controlled precursor chemicals. This final rule implements this change by amending the EAR to clarify the types of pumps controlled under Export Control Classification Number (ECCN) 2B350 on the Commerce Control List (CCL) (Supplement No. 1 to Part 774 of the EAR). Specifically, this rule revises the control language for certain pumps in ECCN 2B350.i to read “multiple-seal and seal-less pumps with manufacturer’s specified maximum flow rate greater than 0.6 m<sup>3</sup>/hour” in which all surfaces that come into direct contact with the chemical(s) being processed are made from certain specified materials. Prior to the publication of this rule, the control language in ECCN 2B350.i referred to “multiple-seal, canned drive, magnetic drive, bellows or diaphragm pumps.” This change is expected to simplify the process of determining if a particular type of pump is controlled