

Issued in Washington, DC on June 18, 2004.

James J. Ballough,

Director, Flight Standards Service.

Adoption of the Amendment

■ Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

* * * *Effective August 5, 2004*

Allakaket, AK, Allakaket, RNAV (GPS) RWY 5, Orig
Allakaket, AK, Allakaket, RNAV (GPS) RWY 23, Orig
Pine Bluff, AR, Grider Field, ILS OR LOC RWY 18, Amdt 3
Pine Bluff, AR, Grider Field, RNAV (GPS) RWY 36, Orig
Pine Bluff, AR, Grider Field, VOR RWY 18, Amdt 20
Pine Bluff, AR, Grider Field, VOR/DME RWY 36, Amdt 12
Pine Bluff, AR, Grider Field, GPS RWY 35, Orig-B, CANCELLED
Hibbing, MN, Chisholm-Hibbing, ILS OR LOC/DME RWY 13, Orig
Bellefontaine, OH, Bellefontaine Regional, NDB RWY 7, Orig
Bellefontaine, OH, Bellefontaine Regional, NDB RWY 25, Orig
Burns, OR, Burns Muni, VOR RWY 30, Amdt 3
Burns, OR, Burns Muni, RNAV (GPS) RWY 30, Orig
Fort Worth, TX, Fort Worth Alliance, ILS OR LOC RWY 16L, Amdt 6
Fort Worth, TX, Fort Worth Alliance, RNAV (GPS) RWY 16L, Amdt 1
Fort Worth, TX, Fort Worth Alliance, ILS OR LOC RWY 34R, Amdt 5
Fort Worth, TX, Fort Worth Alliance, RNAV (GPS) RWY 34R, Amdt 1

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DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Parts 738, 742, 772, and 774

[Docket No. 040614182–4182–01]

RIN 0694–AD11

Revisions to the Export Administration Regulations To Remove Certain Regional Stability and Crime Control License Requirements to New North Atlantic Treaty Organization (NATO) Member Countries

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: The Bureau of Industry and Security maintains the Export Administration Regulations (EAR). This rule amends the EAR by removing the license requirements for certain regional stability items and for certain crime control items destined to Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia to reflect the accession of those countries to the North Atlantic Treaty Organization (NATO) on March 29, 2004. In addition, this rule makes certain conforming corrections and clarifications.

EFFECTIVE DATES: This rule is effective: June 28, 2004.

FOR FURTHER INFORMATION CONTACT: Eileen Albanese, Director, Office of Exporter Services, Bureau of Industry and Security, Telephone: (202) 482–0436.

SUPPLEMENTARY INFORMATION:

Background

Section 742.6(a)(2) of the EAR requires a license for the export or reexport of certain military related items, such as military vehicles and certain specially designed commodities used to manufacture military equipment for reasons of “regional stability” in support of foreign policy. Section 742.7(a)(1)–(3) of the EAR also requires a license for the export or reexport of certain crime control and detection instruments and equipment, and related technology and software as a matter of foreign policy, to promote the observance of human rights throughout the world. The EAR do not require a license for the export or reexport of these items to NATO member countries. Therefore, this rule removes the license requirements for these items to the 7 countries that recently joined NATO: Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia. This rule also removes the “X” from the RS:2 column and from all CC columns for

these countries in the Commerce Country Chart in Supplement No. 1 to part 738 of the EAR.

In addition, this rule revises the definition of NATO (North Atlantic Treaty Organization) in part 772 of the EAR, by adding the 7 countries that recently joined NATO, plus Czech Republic, Hungary, and Poland, which were inadvertently not added to the definition of NATO in the regulation published on March 18, 2002 (67 FR 11896). This rule also amends the definition of COCOM (Coordinating Committee on Multilateral Export Controls) by replacing the phrase “COCOM members included the NATO countries, except Iceland, plus Japan and Australia” with a specific list of countries that were members of COCOM, to clarify that the membership of NATO at the time COCOM existed was different than it is today.

This rule also clarifies License Exception TSR eligibility in the License Exception sections of two Export Control Classification Numbers (ECCN) 9D018 and 9E018 in the Commerce Control List. The TSR paragraph for these ECCNs state, “Yes for Australia, Japan, New Zealand, and NATO.” However, TSR is only available for export and reexport to countries listed in Country Group B. Therefore, the statement of eligibility for TSR for these ECCNs will be revised to read, “Yes for Australia, Japan, New Zealand, and NATO countries that are also listed in Country Group B of Supplement No. 1 to part 740 of the EAR.”

Although the Export Administration Act expired on August 20, 2001, Executive Order 13222 of August 17, 2001 (66 FR 44025, August 22, 2001), as extended by the Notice of August 7, 2003, (68 FR 47833, 2003 WL 21877490), continues the Regulations in effect under the International Emergency Economic Powers Act.

Rulemaking Requirements

1. This final 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 0694–0088, “Multi-Purpose

Application,” which carries a burden hour estimate of 58 minutes for a manual or electronic submission. Send comments regarding these burden estimates or any other aspect of these collections of information, including suggestions for reducing the burden, to OMB Desk Officer, New Executive Office Building, Washington, DC 20503; 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 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 and foreign affairs function of the United States (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 final rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under the Administrative Procedure Act or by any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable. Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis. Comments should be submitted Sharron Cook, Office of Exporter Services, Bureau of Industry and Security, Department of Commerce, P.O. Box 273, Washington, DC 20044.

List of Subjects in 15 CFR Parts 738, 742, 772, and 774

Exports, Foreign trade.

■ Accordingly, parts 738, 742, 772, and 774 of the Export Administration Regulations (15 CFR parts 730–799) are amended as follows:

PART 738—[AMENDED]

■ 1. The authority citation for 15 CFR part 738 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 10 U.S.C. 7420; 10 U.S.C. 7430(e); 18 U.S.C. 2510 *et seq.*; 22 U.S.C. 287c; 22 U.S.C. 3201 *et seq.*; 22 U.S.C. 6004; 30 U.S.C. 185(s), 185(u); 42 U.S.C. 2139a; 42 U.S.C. 6212; 43 U.S.C. 1354; 46 U.S.C. app. 466c; 50 U.S.C. app. 5; Sec. 901–911, Pub. L. 106–387; Sec. 221, Pub. L. 107–56; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 7, 2003, 68 FR 47833, 3 CFR, 2003 Comp., p. 328.

■ 2. Supplement No. 1 to part 738 is amended by revising the entries for “Bulgaria,” “Estonia,” “Latvia,” “Lithuania,” “Romania,” “Slovakia,” and “Slovenia” to read as follows:

COMMERCE COUNTRY CHART—REASON FOR CONTROL

Countries	Chemical & biological weapons			Nuclear nonproliferation		National security		Missile tech	Regional stability		Firearms convention	Crime control			Anti-terrorism	
	CB 1	CB 2	CB 3	NP 1	NP 2	NS 1	NS 2	MT 1	RS 1	RS 2	FC 1	CC 1	CC 2	CC 3	AT 1	AT 2
Bulgaria	X					X	X									
Estonia	X	X		X		X	X	X	X							
Latvia	X	X			X	X	X									
Lithuania	X	X		X		X	X	X	X							
Romania	X					X	X	X	X							
Slovakia	X					X	X	X	X							
Slovenia	X	X				X	X	X	X							

PART 742—[AMENDED]

■ 3. The authority citation for 15 CFR part 742 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 18 U.S.C. 2510 *et seq.*; 22 U.S.C. 3201 *et seq.*; 42 U.S.C. 2139a; Sec. 901–911, Pub. L. 106–387; Sec. 221, Pub. L. 107–56; 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. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of October 29, 2003, 68 FR 62209, 3 CFR, 2003 Comp., p. 347; Notice

of August 7, 2003, 68 FR 47833, 3 CFR, 2003 Comp., p. 328.

■ 4. Section 742.6 is amended by revising paragraph (a)(2) to read as follows:

§ 742.6 Regional Stability.

(a) * * *

(2) As indicated in the CCL and in RS Column 2 of the Country Chart (see Supplement No. 1 to part 738 of the EAR), a license is required to any destination except Australia, Japan, New Zealand, and countries in the North Atlantic Treaty Organization (NATO) for items described on the CCL

under ECCNs 0A918, 0E918, 2A983, 2D983, 2E983, 8A918, and for military vehicles and certain commodities (specially designed) used to manufacture military equipment, described on the CCL in ECCNs 0A018.c, 1B018.a, 2B018, and 9A018.a and .b.

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PART 772—[AMENDED]

■ 4. The authority citation for 15 CFR part 772 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; E.O. 13222, 66 FR 44025,

3 CFR, 2001 Comp., p. 783; Notice of August 7, 2003, 68 FR 47833, 3 CFR, 2003 Comp., p. 328.

■ 5. Section 772.1 is amended by revising the definitions for “COCOM (Coordinating Committee on Multilateral Export Controls)” and “NATO (North Atlantic Treaty Organization)” to read as follows:

§ 772.1 Definitions of Terms as Used in the Export Administration Regulations (EAR).

* * * * *

COCOM (Coordinating Committee on Multilateral Export Controls). A multilateral organization that cooperated in restricting strategic exports to controlled countries. COCOM was officially disbanded on March 31, 1994. COCOM members included: Australia, Belgium, Canada, Denmark, France, Germany, Greece, Italy, Japan, Luxembourg, Netherlands, Norway, Portugal, Spain, Turkey, United Kingdom, and United States.

* * * * *

NATO (North Atlantic Treaty Organization). A strategic defensive organization that consists of the following member nations: Belgium, Bulgaria, Canada, Czech Republic, Denmark, Estonia, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Turkey, the United Kingdom, and the United States.

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PART 774—[AMENDED]

■ 6. The authority citation for 15 CFR part 774 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 10 U.S.C. 7420; 10 U.S.C. 7430(e); 18 U.S.C. 2510 *et seq.*; 22 U.S.C. 287c, 22 U.S.C. 3201 *et seq.*; 22 U.S.C. 6004; 30 U.S.C. 185(s), 185(u); 42 U.S.C. 2139a; 42 U.S.C. 6212; 43 U.S.C. 1354; 46 U.S.C. app. 466c; 50 U.S.C. app. 5; Sec. 901–911, Pub. L. 106–387; Sec. 221, Pub. L. 107–56; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 7, 2003, 68 FR 47833, 3 CFR, 2003 Comp., p. 328.

■ 7. In Supplement No. 1 to part 774, Category 9 “Propulsion Systems, Space Vehicles and Related Equipment”, ECCNs 9D018 and 9E018 are amended by revising the “TSR” entry in the License Exception sections to read as follows:

9D018 “Software” for the “use” of equipment controlled by 9A018.

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License Exceptions

CIV: * * *

TSR: Yes for Australia, Japan, New Zealand, and NATO countries that are also listed in Country Group B of Supplement No. 1 to part 740 of the EAR.

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9E018 “Technology” for the “development”, “production”, or “use” of equipment controlled by 9A018.

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License Exceptions

CIV: * * *

TSR: Yes for Australia, Japan, New Zealand, and NATO countries that are also listed in Country Group B of Supplement No. 1 to part 740 of the EAR.

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Dated: June 17, 2004.

Peter Lichtenbaum,
Assistant Secretary for Export Administration.

[FR Doc. 04–14625 Filed 6–25–04; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD05–04–118]

RIN 1625–AA09

Drawbridge Operation Regulations; Chincoteague Channel, VA

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations and request for comments.

SUMMARY: The Commander, Fifth Coast Guard District, has issued a temporary deviation from the drawbridge operation regulations to test an alternate drawbridge operation regulation for the Route 175 Bridge across Chincoteague Channel, mile 3.5, at Chincoteague, Virginia. Under this temporary 90-day deviation, the draw of the bridge will open every two hours on the even hour from 6 a.m. to Midnight; except from 7 a.m. to 5 p.m., on the last consecutive Wednesday and Thursday in July, the draw need not be opened. At all other times, the draw need not open.

The purpose of this temporary deviation is to test an alternate drawbridge operation schedule for 90 days and solicit comments from the public.

DATES: This deviation is effective from July 2, 2004 through September 29,

2004. Comments must reach the Coast Guard on or before 15 October 2004.

ADDRESSES: You may mail comments and related material to Commander (obr), Fifth Coast Guard District, Federal Building, 4th Floor, 431 Crawford Street, Portsmouth, Virginia 23704–5004, or they may be hand delivered to the same address between 8 a.m. and 4 p.m., Monday through Friday, except Federal Holidays. The Commander (obr), Fifth Coast Guard District maintains the public docket for this test deviation. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at the above address.

Request for Comments

We encourage you to participate in this test schedule by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this test deviation CGD05–04–118, indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period.

FOR FURTHER INFORMATION CONTACT: Gary S. Heyer, Bridge Management Specialist, Fifth Coast Guard District, at (757) 398–6629.

SUPPLEMENTARY INFORMATION: Effective on June 16, 2004, the bridge owner, the Virginia Department of Transportation (VDOT), was officially permitted to operate the Route 175 Bridge across Chincoteague Channel with new regulations. The new operating regulations listed at 33 CFR § 117.1005 allows the draw of the bridge to remain in the closed position from 7 a.m. to 5 p.m. on the last consecutive Wednesday and Thursday in July of every year, to facilitate public safety during the Annual Pony Swim.

On behalf of the Chincoteague Town Council (the Town Council), residents and business owners in the area, VDOT has requested a temporary deviation from the drawbridge regulations to test for a period of 90 days an alternate drawbridge operation schedule in an effort to balance the needs of vessel and vehicular traffic transiting in and around this seaside resort area. The new