

AMSAFE, Inc. apply at a later date for a supplemental type certificate to modify any other model on Type Certificate number A22NM to incorporate the same novel or unusual design feature, the special conditions would apply to that model as well under the provisions of § 21.101.

#### For Final Special Conditions Effective Upon Issuance

Under standard practice, the effective date of final special conditions would be 30 days after the date of publication in the **Federal Register**; however, as the certification date for the AMSAFE, Inc. Inflatable Five-Point Seatbelt Airbag Restraint on Sky International models A1, A1A, and A1B is imminent, the FAA finds that good cause exists to make these special conditions effective upon issuance.

#### Conclusion

This action affects only certain novel or unusual design features on the Sky International models A1, A1A, and A1B. It is not a rule of general applicability, and it affects only the applicant who applied to the FAA for approval of these features on the airplane.

#### List of Subjects in 14 CFR Part 23

Aircraft, Aviation safety, Signs and symbols.

#### Citation

The authority citation for these special conditions is as follows:

**Authority:** 49 U.S.C. 106(g), 40113 and 44701; 14 CFR 21.16 and 21.101 for STC; and 14 CFR 11.38 and 11.19.

#### The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for the Sky International models A1, A1A, as modified by AMSAFE, Inc. *Five-Point Safety Belt Restraint System Incorporating an Inflatable Airbag for the Pilot and Co-pilot Seats of the Sky International models A1, A1A, and A1B*.

1. It must be shown that the inflatable lapbelt will deploy and provide protection under crash conditions where it is necessary to prevent serious head injuries. Compliance will be demonstrated using the deceleration pulse specified in § 23.562, which may be modified as follows:

a. The peak longitudinal deceleration may be reduced, however the onset rate of the deceleration must be equal to or greater than the crash pulse identified in § 23.562.

b. The peak longitudinal deceleration must be above the deployment

threshold of the crash sensor, and equal to or greater than the forward static design longitudinal load factor required by the original certification basis of the airplane.

The means of protection must take into consideration a range of stature from a 5th percentile female to a 95th percentile male. The inflatable restraint must provide a consistent approach to energy absorption throughout that range.

2. The inflatable restraint must provide adequate protection for each occupant. In addition, unoccupied seats that have an active restraint must not constitute a hazard to any occupant.

3. The design must prevent the inflatable restraint from being incorrectly buckled and/or incorrectly installed such that the airbag would not properly deploy. Alternatively, it must be shown that such deployment is not hazardous to the occupant and will provide the required protection.

4. It must be shown that the inflatable restraint system is not susceptible to inadvertent deployment as a result of wear and tear or the inertial loads resulting from in-flight or ground maneuvers (including gusts and hard landings) that are likely to be experienced in service.

5. It must be shown (or be extremely improbable) that an inadvertent deployment of the restraint system during the most critical part of the flight does not impede the pilot's ability to maintain control of the airplane or cause an unsafe condition (or hazard to the airplane). In addition, a deployed inflatable restraint must be at least as strong as a Technical Standard Order (C114) 5-point harness.

6. It must be shown that deployment of the inflatable restraint system is not hazardous to the occupant or result in injuries that could impede rapid egress. This assessment should include occupants whose restraint is loosely fastened.

7. It must be shown that an inadvertent deployment that could cause injury to a standing or sitting person is improbable.

8. It must be shown that the inflatable restraint will not impede rapid egress of the occupants 10 seconds after its deployment.

9. For the purposes of complying with HIRF and lightning requirements, the inflatable restraint system is considered a critical system since its deployment could have a hazardous effect on the airplane.

10. It must be shown that the inflatable restraints will not release hazardous quantities of gas or particulate matter into the cabin.

11. The inflatable restraint system installation must be protected from the

effects of fire such that no hazard to occupants will result.

12. There must be a means to verify the integrity of the inflatable restraint activation system prior to each flight or it must be demonstrated to reliably operate between inspection intervals.

13. A life limit must be established for appropriate system components.

14. Qualification testing of the internal firing mechanism must be performed at vibration levels appropriate for a general aviation airplane.

Issued in Kansas City, Missouri on November 24, 2004.

**James E. Jackson,**

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

[FR Doc. 04-26979 Filed 12-7-04; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 73

[Docket No. FAA-2004-19438; Airspace Docket No. 04-ASO-9]

**RIN 2120-AA66**

#### Amendment to Restricted Areas 2932, 2933, 2934, and 2935; Cape Canaveral, FL

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

**ACTION:** Final rule, correction.

**SUMMARY:** This action corrects a final rule published in the **Federal Register** on November 23, 2004 (69 FR 68075). In that rule, the effective date was inadvertently published as January 20, 2004. The correct effective date is January 20, 2005. This action corrects that error.

**DATES:** Effective 0901 UTC, January 20, 2005.

**FOR FURTHER INFORMATION CONTACT:** Paul Gallant, Airspace and Rules, Office of System Operations and Safety, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-8783.

**SUPPLEMENTARY INFORMATION:** On November 23, 2004, Airspace Docket No. 04-ASO-9 (69 FR 68075), was published amending Restricted Areas 2932, 2933, 2934, and 2935, Cape Canaveral, FL. In that rule, the effective date was inadvertently published as January 20, 2004. The correct effective

date is January 20, 2005. This action corrects that error.

#### Correction to Final Rule

■ Accordingly, pursuant to the authority delegated to me, the effective date for Airspace Docket No. 04-ASO-9, as published in the **Federal Register** on November 23, 2004 (69 FR 68075), is corrected as follows:

■ On page 68075, correct the effective date to read January 20, 2005.

Issued in Washington, DC, on December 2, 2004.

**Reginald C. Matthews,**

*Manager, Airspace and Rules.*

[FR Doc. 04-26978 Filed 12-7-04; 8:45 am]

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## DEPARTMENT OF STATE

### 22 CFR Parts 122 and 129

[Public Notice 4920]

RIN 1400-AB97

#### Amendment to the International Traffic in Arms Regulations: Registration Fee Change

**AGENCY:** Department of State.

**ACTION:** Interim rule and request for comments.

**SUMMARY:** This rule amends the International Traffic in Arms Regulations (ITAR) (22 CFR parts 122 and 129) by increasing the registration fees, changing the registration renewal period, and making other minor administrative changes.

**DATES:** *Effective Date:* This interim rule takes effect on December 8, 2004.

*Comment Date:* The Department will accept written comments, which must be received no later than January 7, 2005.

**ADDRESSES:** Interested parties are invited to submit written comments to the Department of State, Directorate of Defense Trade Controls, Office of Defense Trade Controls Management, ATTN: ITAR Regulatory Change, 22 CFR parts 122 and 129, 13th Floor, SA-1, Washington, DC 20522-0112. E-mail comments may be sent to [DTCPResponseTeam@state.gov](mailto:DTCPResponseTeam@state.gov) with the subject line: ITAR Regulatory Change, 22 CFR parts 122 and 129. Persons with access to the Internet may also view this notice by going to the [regulations.gov](http://www.regulations.gov) Web site at: <http://www.regulations.gov>.

#### FOR FURTHER INFORMATION CONTACT:

David Trimble, Directorate of Defense Trade Controls Compliance, Bureau of Political-Military Affairs, Department of State (202) 663-2807 or FAX (202) 261-

8199. ATTN: ITAR Regulatory Change, 22 CFR part 122 and part 129.

**SUPPLEMENTARY INFORMATION:** This interim rule increases the fee charged to those persons required to register with the U.S. State Department, Directorate of Defense Trade Controls in accordance with Section 38 of the Arms Export Control Act (AECA) (22 U.S.C. 2778). ITAR registration fees are set forth at 22 CFR 122.3 and have not been adjusted since 1997. Registration fees (including 4-year renewals) received (or postmarked) prior to the effective date of this amendment will be honored under the previous fee rates. Also, this amendment changes the maximum registration period from up to four years to two years.

This amendment revises 22 CFR 122.2(a) and 122.3(a) and 129.4(a) to reference Form DS-2032 (Statement of Registration), in lieu of Form DSP-9 as the applicable form for registration purposes. The amendment to 22 CFR 122.2(a) also reflects that the State Department will notify the registrant if the Registration Statement package is incomplete, but will no longer return incomplete materials to the sender. 22 CFR 122.2(c) is amended by removing its reference to 22 CFR 60.2(c) because that provision no longer exists.

This amendment revises 22 CFR 122.3(a) to change the maximum registration period to two years from four years. In addition, this amendment removes 22 CFR 122.3(c). The State Department will no longer provide fee refunds to registrants that cease to engage in the manufacture or export of defense articles and defense services.

#### Regulatory Analysis and Notices

This amendment is made in accordance to the following regulations:

*Administrative Procedure Act:* The Department's implementation of this regulation as an interim rule with request for comments is based upon the "good cause" exceptions found at 5 U.S.C. 553(b)(B) and (d)(3). The Department has determined that notice and public procedure thereon in advance of the effective date are impracticable and contrary to the public interest as the fees are needed immediately to fund regulatory efforts to help ensure terrorist entities and state sponsors of terrorism do not gain access to exported U.S. defense articles and services. Further, the funds are vital to controlling sensitive weapons and defense technology needed to protect the national security interests of the United States.

*Regulatory Flexibility Act:* The Department, in accordance with the Regulatory Flexibility Act (5 U.S.C.

605(b)), has reviewed this regulation and, by approving it, certifies that this rule will not have a significant economic impact on a substantial number of small entities.

*Unfunded Mandated Reform Act of 1995:* This rule will not result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any year and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

*Small Business Regulatory Enforcement Act of 1996:* This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Act of 1996. This rule will not result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

*Executive Order 12866:* The Department of State does not consider this rule to be a "significant regulatory action" under Executive Order 12866, section 3(f), Regulatory Planning and Review. In addition, the Department is exempt from Executive Order 12866 except to the extent that it is promulgating regulations in conjunction with a domestic agency that are significant regulatory actions. The Department has nevertheless reviewed the regulation to ensure its consistency with the regulatory philosophy and principles set forth in the Executive Order.

*Executive Order 12988, Civil Justice Reform:* The Department has reviewed this regulation in light of sections 3(a) and 3(b)(2) of Executive Order No. 12988 to eliminate ambiguity, minimize litigation, establish clear legal standards, and reduce burden.

*Executive Order 13132:* This regulation will not have substantial direct effects on the States, the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this rule does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement.

*Executive Order 12372:* This regulation does not require review