

Area 531), thus the associated controlled airspace is being modified to incorporate the portion of the final that is affected. Controlled airspace extending upward from the surface of the Earth is required to encompass the airspace necessary for instrument approaches for aircraft operating under Instrument Flight Rules (IFR). Designations for Class D and E airspace areas extending upward from the surface of the Earth are published in FAA Order 7400.9S, signed October 3, 2008, and effective October 31, 2008, which is incorporated by reference in 14 CFR part 71.1. The Class D and E designations listed in this document will be published subsequently in the Order.

#### Agency Findings

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

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, is non-controversial and unlikely to result in adverse or negative comments. It, therefore, (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, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

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 airspace necessary to ensure the safety of aircraft and the

efficient use of airspace. This regulation is within the scope of that authority as it modifies controlled airspace at Albemarle, NC.

#### Lists 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, B, C, D AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE 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 7400.9S, Airspace Designations and Reporting Points, signed October 3, 2008, effective October 31, 2008, is amended as follows:

##### *Paragraph 5000 Class D Airspace.*

\* \* \* \* \*

##### **ASO NC D Albemarle, NC [REVISED]**

Stanly County Airport, NC  
(Lat. 35°25'0.101"N., long 80°09'03"W.)

That airspace extending upward from the surface to and including 3,100 feet MSL within a 5.8-mile radius of Stanly County Airport and within 1.5 miles each side of the 043 degree bearing from Stanly County Airport to 7.8 miles Northeast. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

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##### *Paragraph 6005 Class E Airspace Areas Extending Upward from 700 feet or More Above the Surface of the Earth.*

\* \* \* \* \*

##### **ASO NC E5 Albemarle, NC [REVISED]**

Stanly County Airport, NC  
(Lat. 35°25'0.101"N., long 80°09'03"W.)

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Stanly County Airport.

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Issued in College Park, Georgia, on March 19, 2009.

**Barry A. Knight,**

*Acting Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.*

[FR Doc. E9–10397 Filed 5–5–09; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

#### 15 CFR Part 774

[Docket No. 090406632–9631–01]

**RIN 0694–AC74**

#### Removal of T 37 Jet Trainer Aircraft and Parts From the Commerce Control List

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

**ACTION:** Final rule.

**SUMMARY:** This rule removes the T 37 jet trainer aircraft and specially designed component parts from under the Department of Commerce's licensing jurisdiction on the Commerce Control List (CCL). T 37 jet trainer aircraft appear on the CCL administered by the Department of Commerce, Bureau of Industry and Security (BIS). However, the Department of State, Directorate of Defense Trade Controls (DDTC) reviews license applications for these aircraft and parts. BIS is removing these aircraft and parts from the CCL to avoid potentially overlapping coverage and reduce the possibility of confusion by the public.

**DATES:** This rule is effective: May 6, 2009.

**FOR FURTHER INFORMATION CONTACT:** Gene Christiansen in the Office of National Security and Technology Transfer Controls, Bureau of Industry and Security, U.S. Department of Commerce at (202) 482–2984.

#### SUPPLEMENTARY INFORMATION:

##### Background

Both DDTC and BIS exercise licensing jurisdiction over certain exports and reexports. The policy for designating an item as being subject to the International Traffic in Arms Regulations (ITAR) (22 CFR parts 120–130) and, therefore, subject to DDTC licensing jurisdiction is described in 22 CFR 120.3. Generally, that policy is to apply DDTC licensing jurisdiction to items that are specifically designed, developed, configured, adapted or modified for a military application. Items not subject to DDTC

licensing jurisdiction or to the exclusive licensing jurisdiction of another government agency are subject to the Export Administration Regulations (EAR) and BIS's licensing jurisdiction.

The T 37 jet trainer was designed as a military trainer aircraft. Such aircraft are subject to the ITAR unless excluded under the provisions of 22 CFR 121.3(b), which relate to the engine type and power of the trainer aircraft. The T 37 and its specially designed component parts do not meet the terms of that exclusion. However, the T 37 jet trainer aircraft and their specially designed component parts have been listed on the CCL (found in 15 CFR Part 774, Supp. No. 1) since at least 1993. As such, under a strict interpretation of ITAR and the CCL as currently drafted, the T 37 jet trainer aircraft could fall within the jurisdiction of both DDTC and BIS, potentially causing members of the public to conclude incorrectly that an export license is required from both agencies for this item. By removing T 37 jet trainer aircraft from the CCL, this rule clarifies that export licenses should not be obtained from BIS, avoids potentially overlapping coverage and reduces the possibility of confusion on the part of the public. Export and reexport license applications for the T 37 jet trainer aircraft and parts should be directed to DDTC.

#### Rulemaking Requirements

1. This 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 is 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 regulation involves a collection previously approved by the OMB under control number 0694-0088, "Multi-Purpose Application," which carries a burden hour estimate of 58 minutes to prepare and submit form BIS-748. Miscellaneous and recordkeeping activities account for 12 minutes per submission. BIS believes that this rule will have no impact on the burden associated with that collection because the Department of State exercises licensing jurisdiction over the aircraft or parts affected by this rule and BIS has not issued a license for them in recent years.

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 to William Arvin, Office of Exporter Services, Bureau of Industry and Security, Department of Commerce, Room H2705, Washington, DC 20230.

#### List of Subjects in 15 CFR Part 774

Exports, Foreign trade.

■ Accordingly, part 774 of the Export Administration Regulations (15 CFR parts 730 through 774) is amended as follows:

#### PART 774—[AMENDED]

■ 1. The authority citation for 15 CFR part 774 continues 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); 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; 22 U.S.C. 7201 *et seq.*; 22 U.S.C. 7210; 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 July 23, 2008, 73 FR 43603 (July 25, 2008).

■ 2. In Supplement No. 1 to Part 774, Category 9—Propulsion Systems, Space Vehicles and Related Equipment, Export Control Classification Number 9A018, revise paragraph a. of the Items paragraph of the List of Items Controlled section to read as follows:

#### 9A018 Equipment on the Wassenaar Arrangement Munitions List

\* \* \* \* \*

List of Items Controlled

\* \* \*

*Items:* a. Military trainer aircraft bearing "T" designations:

- a.1. Using reciprocating engines; or
- a.2. Turbo prop engines with less than 600 horse power (h.p.); and
- a.3. Specially designed component parts.

\* \* \* \* \*

Dated: April 29, 2009.

**Matthew S. Borman,**

*Acting Assistant Secretary for Export Administration.*

[FR Doc. E9-10468 Filed 5-5-09; 8:45 am]

**BILLING CODE 3510-33-P**

## AGENCY FOR INTERNATIONAL DEVELOPMENT

### 22 CFR Part 215

**RIN 0412-AA61**

### Privacy Act of 1974, Implementation of Exemptions

**AGENCY:** United States Agency for International Development.

**ACTION:** Final rule; delay effective date.

**SUMMARY:** This document delays the effective date by 90 days for the final rule exempting portions of the Partner Vetting System from one or more provisions of the Privacy Act, as published in the **Federal Register** on January 2, 2009 and delayed on February 2, 2009, and on April 2, 2009.

**DATES:** The effective date for the final rule published on January 2, 2009 (74 FR 9) and delayed on February 2, 2009 (74 FR 5808), and on April 2, 2009 (74 FR 14931) is further delayed until August 4, 2009.

**FOR FURTHER INFORMATION CONTACT:** For general questions, please contact Jeff Denale, Chief, Counterterrorism and Information Security Division, Office of Security, United States Agency for International Development, Ronald Reagan Building, 1300 Pennsylvania Avenue, NW., Washington, DC 20523, or by phone on (202) 712-1264.

Dated: May 4, 2009.

**Mark Webb,**

*Acting Director, Office of Security.*

[FR Doc. E9-10531 Filed 5-4-09; 11:15 am]

**BILLING CODE P**