

unlikely to result in adverse or negative comments and only involves an established body of technical regulations that require frequent and routine amendments to keep them operationally current. Therefore, I certify that this regulation (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) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. Since this rule involves routine matters that will only affect air traffic procedures and air navigation, it does not warrant preparation of a Regulatory Flexibility Analysis because the anticipated impact is so minimal.

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 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. The authority citation for 14 CFR 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.

§ 71.7 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9N, Airspace Designations and Reporting Points, dated September 1, 2005, and effective September 16, 2005, is amended as follows:

* * * * *

Paragraph 5000 Class D Airspace

* * * * *

AGL SD D Rapid City, SD [Revised]

Rapid City Regional Airport, SD
(Lat. 44°02'43" N., long., 103°03'27" W.)
Rapid City Ellsworth AFB, SD
(Lat. 44°08'42" N., long., 103°06'13" W.)

That airspace extending upward from the surface to and including 5,700 feet MSL within a 4.4-mile radius of the Rapid City Regional Airport, excluding the portion north of a line between the intersection of the Rapid City Regional Airport 4.4-mile radius and the Rapid City Ellsworth AFB, SD, 4.7-

mile radius. This Class D airspace area is effective during the specific dates and times established in advance by Notice to Airmen. The effective date and time will thereafter be continuously published in advance by Notice to Airmen.

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AGL SD D Rapid City Ellsworth AFB, SD [Revised]

Rapid City Ellsworth AFB, SD
(Lat. 44°08'42" N., long., 103°06'13" W.)
Rapid City Regional Airport, SD
(Lat. 44°02'43" N., long., 103°03'27" W.)

That airspace extending upward from the surface to and including 5,800 feet MSL and within a 5.9-mile radius of Rapid City Ellsworth AFB to the Rapid City Regional Airport 4.4-mile radius, excluding that airspace south of a line between the intersection of the Ellsworth AFB 4.7-mile radius and the Rapid City Regional Airport 4.4-mile radius. 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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Dated: Issued in Des Plaines, Illinois on October 12, 2005.

Nancy B. Kort,

Area Director, Central Terminal Operations.

[FR Doc. 05–21583 Filed 10–28–05; 8:45 am]

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DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Part 736

[Docket No. 050803216–5216–01]

RIN 0694–AD30

Technical Correction

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule; correction.

SUMMARY: On September 16, 2005, the Bureau of Industry and Security published a final rule that amended the Export Administration Regulations by making several revisions and clarifications. This document corrects an inadvertent error that the final rule made in redesignating several paragraphs. This correction ensures that paragraphs in Supplement No. 2 to part 736 of the Export Administration Regulations are consistently designated.

DATES: This rule is effective October 31, 2005.

ADDRESSES: Although this is a final rule, comments are welcome and should be sent to publiccomments@bis.doc.gov, fax (202) 482–3355, or to Regulatory

Policy Division, Bureau of Industry and Security, Room H2705, U.S. Department of Commerce, Washington DC 20230. Please refer to regulatory identification number (RIN) 0694–AD30 in all comments, and in the subject line of email comments.

FOR FURTHER INFORMATION CONTACT:

Timothy Mooney, Office of Exporter Services, Bureau of Industry and Security, Telephone: (202) 482–2440, Email: tmooney@bis.doc.gov.

SUPPLEMENTARY INFORMATION: This document corrects an inadvertent error in the final rule that was published by the Bureau of Industry and Security (BIS) on Friday, September 16, 2005 (70 FR 54626). The September 16, 2005 final rule amended the Export Administration Regulations (EAR) by, among other things, deleting a redundant paragraph and redesignating the remaining paragraphs in Administrative Order No. 2, Supplement No. 2 to part 736 of the EAR. The September 16, 2005 rule contained an inadvertent error in the amendatory text. Specifically, the final rule redesignated some paragraphs in Supplement No. 2 to part 736 of the EAR, but failed to redesignate all of them. To fix this inadvertent error, this document inserts amendatory text on page 54628 of the *Federal Register* of Friday, September 16, 2005, to redesignate the capital letter subparagraphs in Supplement No. 2 to part 736 of the EAR to the roman numeral level. This change will ensure that all relevant paragraphs in Supplement No. 2 to part 736 will be properly designated.

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, unless that collection of information displays a currently valid Office of Management and Budget Control Number. This rule involves a collection of information subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). This collection has been approved by the Office of Management and Budget 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 David Rostker, Office of Management and Budget (OMB), by email to *David.Rostker@omb.eop.gov*, or by fax to (202) 395-7285; 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 Department finds that there is good cause under 5 U.S.C. 553 (b)(3) to waive the provisions of the Administrative Procedure Act requiring prior notice and the opportunity for public comment because it is unnecessary. This regulation deletes a redundant paragraph and redesignates the remaining paragraphs in one section for clarity; inserts material inadvertently omitted from previous rules in three places in the EAR; clarifies instructions for applying for authorization to transfer items subject to the EAR in-country; adds an alias for a listed entity on the Entity List; and removes references to two ECCNs that do not exist. The revisions made by this rule are administrative in nature and do not affect the rights and obligations of the public. Because these revisions are not substantive changes to the EAR, it is unnecessary to provide notice and opportunity for public comment. In addition, the 30-day delay in effectiveness required by U.S.C. 553(d) is not applicable because this rule is not a substantive rule. No other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule.

Because notice of proposed rulemaking and 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.

List of Subjects in 15 CFR Part 736

Exports.

■ Accordingly, for the reasons set out in the preamble, 15 CFR part 736 is amended as follows:

■ 1. The authority citation for part 736 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 22 U.S.C. 2151 (note), Pub. L. 108-175; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13020, 61 FR 54079, 3 CFR, 1996 Comp., p. 219; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13338, 69 FR 26751, 3 CFR, 2004 Comp., p. 168; Notice of

November 4, 2004, 69 FR 64637, 3 CFR, 2004 Comp., p. 303; Notice of August 2, 2005, 70 FR 45273 (August 5, 2005).

SUPPLEMENT NO. 2 TO PART 736— [CORRECTED]

■ 2. Supplement No. 2 to part 736, is amended in “Administrative Order Two” by:

- a. Redesignating paragraphs (a)(2)(A) through (E) as paragraphs (a)(2)(i) through (v), respectively; and
- b. Redesignating paragraphs (a)(3)(A) through (D) as paragraphs (a)(3)(i) through (iv), respectively.

Dated: October 20, 2005.

Eileen Albanese,

Director, Office of Exporter Services.

[FR Doc. 05-21351 Filed 10-28-05; 8:45 am]

BILLING CODE 3510-33-P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Parts 17, 19, 24, 25, 26, 27, and 31

[T.D. TTB-36]

RIN 1513-AB04

Suspension of Special (Occupational) Tax (2004R-778P)

AGENCY: Alcohol and Tobacco Tax and Trade Bureau, Treasury.

ACTION: Temporary rule; Treasury decision.

SUMMARY: In this temporary rule, the Alcohol and Tobacco Tax and Trade Bureau amends its regulations relating to special (occupational) tax, to reflect a 3-year tax suspension effected by section 246 of the American Jobs Creation Act of 2004. Section 246 amends the Internal Revenue Code of 1986 to provide that, during the period from July 1, 2005, through June 30, 2008, the rate of special (occupational) tax on certain occupations will be zero. The occupations affected by the 3-year tax suspension are: Manufacturers of nonbeverage products who claim tax drawback; proprietors of distilled spirits plants, alcohol fuel plants, bonded and taxpaid wine premises, and breweries; and wholesale and retail dealers in distilled spirits, wine, and beer. The requirements to register annually and keep prescribed records remain in effect. The text of these temporary regulations serves as the text of the proposed regulations set forth in the notice of proposed rulemaking on this subject in the Proposed Rules section of this issue of the **Federal Register**.

DATES: Effective Date: This temporary rule is effective as of July 1, 2005.

FOR FURTHER INFORMATION CONTACT:

Steve Simon, Alcohol and Tobacco Tax and Trade Bureau, Regulations and Rulings Division, Suite 200E, 1310 G Street, NW., Washington, DC 20220; telephone (202) 927-8210.

SUPPLEMENTARY INFORMATION:

Background

Various provisions within subtitle E of the Internal Revenue Code of 1986 (IRC) impose an annual tax on certain business occupations. This tax is referred to as the “special (occupational) tax” or more briefly as the “special tax.” In general, payment of this tax is a prerequisite for engaging in any of the covered occupations. The current annual rates of special (occupational) tax are as follows:

Manufacturer of Nonbeverage Products	\$ 500
Proprietor of Distilled Spirits Plant	1,000
Proprietor of Alcohol Fuel Plant	1,000
Proprietor of Bonded Wine Cellar ..	1,000
Proprietor of Bonded Wine Warehouse	1,000
Proprietor of Taxpaid Wine Bottling House	1,000
Brewer	1,000
Wholesale Liquor Dealer or Beer Dealer	500
Retail Liquor Dealer or Beer Dealer	250
User of, or Dealer in, Specially Denatured Alcohol	250
User of Tax-Free Alcohol	250
Manufacturer of Tobacco Products	1,000
Manufacturer of Cigarette Papers and Tubes	1,000
Export Warehouse Proprietor	1,000

Each tax year for payment of special (occupational) tax runs from July 1 through the following June 30. In addition, special tax returns, with payment of the appropriate tax, must be submitted before beginning a new business, and each year thereafter on or before July 1.

Some of the covered occupations are subject to a reduced rate for small entities. A small entity, engaging in an occupation subject to a basic rate of \$1,000 per year, is subject to a reduced rate of just \$500 per year. However, a small alcohol fuel plant is exempt from special tax. Educational institutions using small quantities of tax-free or specially denatured alcohol are also exempt from special tax.

Besides requiring payment of the annual tax, the IRC requires an annual registration of persons subject to special tax and imposes certain recordkeeping requirements. Further, liquor (distilled spirits, wine, and beer) dealers must purchase distilled spirits from (1) a wholesale liquor dealer who has paid special tax for the location where the