

Adoption of the Amendment

■ Accordingly, 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 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 7400.9M, dated August 30, 2004, and effective September 16, 2004, is amended as follows:

Paragraph 5000 Class D Airspace.

* * * * *

ACE NE D Grand Island, NE

Grand Island, Central Nebraska Regional Airport, NE

(Lat. 40°58'03" N., long. 98°18'35" W.)

That airspace extending upward from the surface to and including 4,300 feet MSL within a 4.4-mile radius of Central Nebraska Regional Airport. 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 6002 Class E Airspace Designated as Surface Areas.

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ACE NE E2 Grand Island, NE

Grand Island, Central Nebraska Regional Airport, NE

(Lat. 40°58'03" N., long. 98°18'35" W.)

Within a 4.4-mile radius of Central Nebraska Regional Airport. This Class E 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 6004 Class E Airspace Designated as an Extension to a Class D or Class E Surface Area.

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ACE NE E4 Grand Island, NE

Grand Island, Central Nebraska Regional Airport, NE

(Lat. 40°58'03" N., long. 98°18'35" W.)

Grand Island VORTAC

(Lat. 40°59'03" N., long. 98°18'53" W.)

That airspace extending upward from the surface within 2.4 miles each side of the

Grand Island VORTAC 291° radial extending from the 4.4-mile radius of Central Nebraska Regional Airport to 7 miles northwest of the VORTAC and within 2.4 miles each side of the Grand Island VORTAC 360° radial extending from the 4.4-mile radius of the airport to 7 miles north of the VORTAC.

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

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ACE NE E5 Grand Island, NE

Grand Island, Central Nebraska Regional Airport, NE

(Lat. 40°58'03" N., long. 98°18'35" W.)

Grand Island, VORTAC

(Lat. 40°59'03" N., long. 98°18'53" W.)

The airspace extending upward from 700 feet above the surface within a 6.9-mile radius of Central Nebraska Regional.

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Issued in Kansas City, MO, on September 9, 2004.

Paul J. Sheridan,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 04–21226 Filed 9–21–04; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Part 254

RIN 2105–AD42

Passenger Baggage Liability

AGENCY: Department of Transportation (DOT), Office of the Secretary (OST)

ACTION: Final rule.

SUMMARY: In accordance with the provisions of 14 CFR 254.6, this final rule revises the minimum limit on domestic baggage liability applicable to air carriers to reflect inflation since December 1999, the date of the most recent revision to the rule. Section 254.6 requires that the Department revise periodically the limit to reflect any changes in the Consumer Price Index during the interim. The rule adjusts the minimum limit of liability from the current amount of \$2,500 to \$2,800, taking into account the changes in price level over a period of approximately four years.

DATES: *Effective Date:* This rule is effective on October 22, 2004.

FOR FURTHER INFORMATION CONTACT: Nicholas Lowry, Senior Attorney, Office of Aviation Enforcement and Proceedings (C–70), Department of Transportation, 400 Seventh St., SW., Washington, DC 20590; (202) 366–9351.

SUPPLEMENTARY INFORMATION:

I. Background

Part 254 of the Department's rules, 14 CFR part 254, establishes minimum baggage liability limits applicable to domestic air service, currently \$2,500 per passenger. Provisions of 14 CFR 254.6 require that the Department periodically review the minimum limit of liability prescribed in part 254 in light of changes in the Consumer Price Index for Urban Consumers and directs the Department to revise the limit of liability to reflect changes in the price index that have occurred in the interim. Section 254.6 prescribes the use of a specific formula to calculate the revised minimum liability amount when making these periodic adjustments. Applying the formula to changes occurring between December 1999 and July 2004, the appropriate inflation adjustment is $\$2,500 \times 189.4/168.3$, or \$2,813.42. The provision requires us to round the adjustment to the nearest \$100, or to \$2,800.

II. Waiver of Rulemaking Procedural Requirements

With this final rule, we are waiving the usual notice of proposed rulemaking and public comment procedures set forth in the Administrative Procedure Act (APA) (5 U.S.C. 553). The APA allows agencies to dispense with such procedures on finding of good cause when they are impracticable, unnecessary or contrary to the public interest. We have determined that under 5 U.S.C. 553(b)(3)(B) good cause exists for dispensing with the notice of proposed rulemaking and public comment procedures for this rule. This rulemaking is required by the terms of 14 CFR 254.6, as most recently amended in December 1999 (64 FR 70575, December 17, 1999). Accordingly, we believe prior comment is unnecessary and contrary to the public interest, and we are issuing this revision as a final rule.

Although this final rule will become effective in 30 days, the Department will defer enforcement of the notice provision in the revised rule, as it pertains to written notice of the new limit, for a reasonable period to allow carriers to replace or correct their current paper ticket stock and envelopes so as to provide proper written notice of the increased minimum liability limit without imposing an undue burden. Carriers are, however, subject to enforcement action from the date of issuance of this final rule if they otherwise fail to provide proper notice of the \$2,800 liability limit or fail to apply the new limit, as appropriate.

III. Regulatory Impact Statement

Executive Order 12866

This final rule has been evaluated in accordance with the existing policies and procedures and is considered not significant under both Executive Order 12866 and DOT Regulatory Policies and Procedures. The rule is exempt from review by the Office of Management and Budget (OMB) in accordance with the provisions of Executive Order 12866, because its provisions are required by current regulatory language, without interpretation.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601–612) requires an assessment of the impact of the proposed and final rule on small entities unless the agency certifies that the proposed regulation will have no significant economic impact on small entities. This revision of 14 CFR part 254 provides for a minimal increase in the amount of the minimum baggage liability limit that air carriers may incur in cases of lost or damaged baggage. It will pose minor additional costs only in those instances in which carriers lose or damage baggage, or delay delivering baggage to the traveler, and it affects only carriers operating large aircraft or those small carriers interlining with such carriers. As a result, many operations of small entities, such as air taxis and commuter air carriers, are not covered by the rule. Accordingly, we certify that this action will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

This final rule imposes no new reporting or recordkeeping requirements necessitating clearance by OMB.

List of Subjects in 14 CFR Part 254

Administrative practice and procedure, Air carriers, Consumer protection, Department of Transportation.

■ Accordingly, the Department of Transportation revises 14 CFR part 254, *Domestic Baggage Liability*, to read as follows:

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

Authority: 49 U.S.C. 40113, 41501, 41501, 41504, 41510, 41702 and 41707.

■ 2. Section 254.4 is revised to read as follows:

§ 254.4 Carrier liability.

On any flight segment using large aircraft, or on any flight segment that is included on the same ticket as another flight segment that uses large aircraft, an

air carrier shall not limit its liability for provable direct or consequential damages resulting from the disappearance of, damage to, or delay in delivery of a passenger's personal property, including baggage, in its custody to an amount less than \$2,800 for each passenger.

■ 3. Section 254.5 is revised to read as follows:

§ 254.5 Notice requirement.

In any flight segment using large aircraft, or on any flight segment that is included on the same ticket as another flight segment that uses large aircraft, an air carrier shall provide to passengers, by conspicuous written material included on or with its ticket, either:

- (a) Notice of any monetary limitation on its baggage liability to passengers; or
- (b) The following notice: "Federal rules require any limit on an airline's baggage liability to be at least \$2,800 per passenger."

Issued in Washington, DC on September 8, 2004.

Norman Y. Mineta,

Secretary of Transportation.

[FR Doc. 04–21247 Filed 9–21–04; 8:45 am]

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DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Part 744

[Docket No. 040713207–4207–01]

RIN 0694–AD13

India: Removal of Indian Entity and Revision in License Review Policy for Certain Indian Entities; and a Clarification

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: On January 12, 2004, President George W. Bush announced the Next Steps in Strategic Partnership (NSSP) with India. The proposed cooperation outlined in the NSSP will progress through a series of reciprocal steps that build on each other, including steps related to enhancing cooperation in peaceful uses of space technology and steps to create the appropriate environment for successful high technology commerce. This rule implements three initial steps the United States has agreed to take under the NSSP. These steps are: To remove the Indian Space Research Organization (ISRO) Headquarters, Bangalore from the Department of Commerce Entity

List; to remove the export license requirements for items subject to the Export Administration Regulations (EAR) having a classification of EAR99 or a classification where the third through fifth digits of the Export Commodity Classification Number (ECCN) are "999", *e.g.* XX999, for the seven (7) ISRO subsidiaries listed on the Entity List; and establish a presumption of approval for all items *not* controlled for nuclear proliferation reasons going to the "balance of plant" portion of Indian nuclear facilities subject to International Atomic Energy Agency safeguards (Rajasthan 1 & 2 and Tarapur 1 & 2).

This rule also makes one clarification in order to make clear the longstanding interpretation that information regarding the Entity List published in the **Federal Register** is intended to inform the public, not simply to inform exporters.

DATES: This rule is effective September 22, 2004.

ADDRESSES: Although this is a final rule, comments are welcome and should be addressed to Sharron Cook, Office of Exporter Services, Bureau of Industry and Security, Department of Commerce, PO Box 273, Washington, DC 20044, e-mailed to: scook@bis.doc.gov or faxed to (202) 482–3355.

Comments regarding the collections of information associated with this rule, including suggestions for reducing the burden, should be sent to OMB Desk Officer, New Executive Office Building, Washington, DC 20503—Attention: David Rostker; and to the Office of Administration, Bureau of Industry and Security, Department of Commerce, 14th and Pennsylvania Avenue, NW., Room 6883, Washington, DC 20230.

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

SUPPLEMENTARY INFORMATION:

Background

In November 2001, Indian Prime Minister Vajpayee and President Bush committed India and the United States to a strategic partnership. Since then, the two countries have strengthened bilateral cooperation significantly in several areas. On January 12, 2004, the two leaders announced the next steps in implementing a shared vision to expand cooperation, deepen the ties of commerce and friendship between the two nations, and increase stability in Asia and beyond.

The proposed cooperation will progress through a series of reciprocal steps that will build on each other. It