

**EFFECTIVE DATE:** 0901 UTC, September 6, 2001.

**FOR FURTHER INFORMATION CONTACT:**

Brian Durham, ANM-520.7, Federal Aviation Administration, Docket No. 01-ANM-03, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone number: (425) 227-2527.

**SUPPLEMENTARY INFORMATION:**

**History**

On April 11, 2001, the FAA proposed to amend Title 14 Code of Federal Regulations, part 71 (14 CFR part 71) by revising Class E airspace at Malta, MT, in order to accommodate new RNAV SIAP's at Malta Airport, Malta, MT (66 FR 18736). This amendment provides Class E5 airspace at Malta, MT, to meet current criteria standards associated with the SIAP. Interested parties were invited to participate in the rulemaking proceeding by submitting written comments on the proposal. No comments were received.

**The Rule**

This amendment to Title 14 Code of Federal Regulations, part 71 (14 CFR part 71) revises Class E airspace at Malta, MT, in order to accommodate new SIAP's to the Malta Airport, Malta, MT. This amendment revises Class E5 airspace at Malta, MT, to meet current criteria standards associated with the RNAV SIAP. The FAA establishes Class E airspace where necessary to contain aircraft transitioning between the terminal and en route environments. This rule is designed to provide for the safe and efficient use of the navigable airspace and to promote safe flight operations under IFR at the Malta Airport and between the terminal and en route transition stages.

The area will be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas extending upward from 700 feet or more above the surface of the earth, are published in Paragraph 6005, of FAA Order 7400.9H dated September 1, 2000, and effective September 16, 2000, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

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. 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 will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**List 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, 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.

**§71.1 [Amended]**

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9H, Airspace Designations and Reporting Points, dated September 1, 2000, and effective September 16, 2000, is amended as follows:

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

\* \* \* \* \*

**ANM MT E5 Malta, MT [New]**

Malta Airport, MT  
(Lat. 48°22'01" N., long. 107°55'10" W.)

That airspace extending upward from 700 feet above the surface within the 4.3-mile radius of the Malta Airport, and within 2.5 miles each side of the 270° bearing from the Malta Airport extending from the 4.3-mile radius to 6.5 miles west of the Airport, and within 2.5 miles each side of the 090° bearing from the Malta Airport extending from the 4.3-mile radius to 5.4 miles east of the Airport; and that airspace extending upward from 1200 feet above the surface bounded by a line beginning at lat. 48°34'30" N., long. 108°43'00" W.; to lat. 48°34'30" N., long. 107°00'00" W.; to lat. 48°05'12" N., long. 107°00'00" W.; to lat. 48°17'41" N., long. 108°43'00" W., to the point of origin; excluding that airspace within Federal Airways.

\* \* \* \* \*

Issued in Seattle, Washington, on June 26, 2001.

**Lee Daniel,**

*Acting Manager, Air Traffic Division,  
Northwest Mountain Region.*

[FR Doc. 01-16604 Filed 6-29-01; 8:45 am]

**BILLING CODE 4910-13-M**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 73**

**[Airspace Docket No. 99-ANM-15]**

**RIN 2120-AA66**

**Establishment and Revision of Restricted Areas, ID**

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

**ACTION:** Final rule.

**SUMMARY:** This action modifies R-3202A Saylor Creek, ID, by establishing High and Low areas within the existing area A, and revoking R-3202B and C. Additionally this action establishes three new Restricted Areas (R-3204A, B, and C) at Juniper Butte, ID, as part of the Enhanced Training in Idaho (ETI) initiative. The FAA is taking this action in response to a US Air Force (USAF) request for airspace modifications to support its rapid-response air expeditionary wing training requirements.

**EFFECTIVE DATE:** 0901 UTC, September 6, 2001.

**FOR FURTHER INFORMATION CONTACT:** Ken McElroy, Airspace and Rules Division, ATA-400, Office of Air Traffic Airspace Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-8783.

**SUPPLEMENTARY INFORMATION:**

**Background**

On April 25, 2000, the FAA proposed to revise and establish restricted airspace in Idaho to support the USAF rapid-response air expeditionary wing training requirements (65 FR 24142). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA.

One comment was received objecting to the proposal from the Wilderness Society representing the Committee for Idaho's High Desert, Idaho Rivers United, Middle Snake River Chapter of the Sierra Club, and the Idaho Conservation League. The Wilderness Society objected to the FAA issuing a proposed rule without being initially

notified and kept informed of the issue. They further objected to the **Federal Register** notice since it did not contain detailed maps of the proposed action.

The FAA does not agree with this commenter. The purpose of the notice of proposed rulemaking (NPRM) was to inform, and solicit, public comments on the overall regulatory, aeronautical, economic, environmental, and energy related impacts of the proposal. While the chart was not published in the **Federal Register** with the NPRM, the FAA believes that the proposed action contained sufficient information to convey the proposed action. Notwithstanding, the Wilderness Society's comments concerning the environment were reviewed as part of the FAA in-depth review, and adoption, of the "Enhanced Training in Idaho Environmental Impact Statement (ETI EIS)."

Except for editorial changes, this amendment is the same as that proposed in the Notice.

The coordinates for this airspace docket are based on North American Datum 83. Section 73.32 of part 73 of the Federal Aviation Regulations was republished in FAA Order 7400.8H dated September 1, 2000.

#### The Rule

The FAA amends 14 CFR part 73 (part 73) of the Federal Aviation Regulations and re-designates R-3202A Saylor Creek ID, by reducing its size and sub-dividing the remaining airspace into High and Low areas, raising the ceiling of the high area from FL 180 to FL 290, and revoking R-3202B and C. In addition this action establishes three additional smaller Restricted Areas, R-3204A, R-3204B and R-3204C at Juniper, Butte, ID as part of the USAF ETI initiative.

The new restricted areas permit the safe delivery of training ordnance into an impact area. This action eliminates restricted airspace south of the existing Saylor Creek Range and results in an overall reduction of restricted airspace. The new restricted airspace for the Juniper Butte training range is being established over a 12,000-acre area with one 300-acre ordnance impact area. The USAF has requested these modifications to support its unique rapid-response air expeditionary wing training requirements.

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. Therefore, 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) 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.

#### Environmental Review

This action was requested by the USAF as part of the ETI initiative, which also includes non-rulemaking airspace actions. Pursuant to Section 102(2) of the National Environmental Policy Act of 1969 (NEPA), regulations of the Council on Environmental Quality implementing NEPA, and other applicable law, the USAF prepared and published a Final Environmental Impact Statement (FEIS) that analyzed the potential environmental impacts associated with the ETI. The USAF issued a Record of Decision (ROD) for the ETI on March 10, 1998, and selected the Juniper Butte alternative, which was identified as the environmentally preferred alternative. The ROD, and a Supplement to the ROD issued by the USAF in September 1998, included a number of measures to mitigate environmental impacts. Following litigation regarding the ETI and previous USAF actions in Idaho (*Greater Owyhee Legal Defense v. United States Department of Defense et al.*, No. CIV 92-0189-S-BLW (D. Idaho); *The Wilderness Society et al. v. United States Department of Defense et al.*, No. CIV 96-0326-BLW (D. Idaho); *Greater Owyhee Legal Defense v. Col. Gerald F. Pease, Jr. et al.*, No. CIV 98-0162-S-BLW (D. Idaho); *The Wilderness Society and Committee for Idaho's High Desert v. Bureau of Land Management*, IBLA No. 99-216 (Interior Board of Land Appeals 1999)), the USAF entered into a Settlement Agreement that included additional mitigation measures and established a Settlement Implementation Group.

The FAA has conducted a written reevaluation of the FEIS in accordance with FAA Order 1050.1D, paragraph 91, and is adopting the FEIS for this action pursuant to 40 CFR 1506.3(a) and (c). A copy of the written reevaluation has been placed in the public docket for this rulemaking. All practicable means to avoid or minimize environmental harm from the alternative selected have been adopted.

The FAA has also approved the non-rulemaking airspace actions included in the ETI initiative. The record of the non-

rulemaking decision is contained in a Non-Rulemaking Decision Document (NRDD) dated June 22, 2001. A copy of the NRDD has been placed in the public docket for this rulemaking.

#### List of Subjects in 14 CFR Part 73

Airspace, Navigation (air).

#### The Amendment

The FAA amends 14 CFR part 73 as follows:

#### PART 73—[AMENDED]

1. The authority citation for 14 CFR part 73 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.

#### § 73.32 [Amended]

2. Section 73.32 is amended as follows:

\* \* \* \* \*

#### R-3202A Saylor Creek, ID [Revoke]

#### R-3202B Saylor Creek, ID [Revoke]

#### R-3202C Saylor Creek, ID [Revoke]

#### R-3202 Low Saylor Creek, ID [New]

*Boundaries.* Beginning at lat. 42°53'00" N., long. 115°42'20" W.; at lat. 42°53'00" N., long. 115°24'15" W.; at lat. 42°36'00" N., long. 115°24'15" W.; at lat. 42°36'00" N., long. 115°42'20" W.; to the point of beginning.

*Designated altitudes.* Surface to but not including FL 180.

*Times of use.* 0730-2200 local time, Monday through Friday, other times by NOTAM.

*Controlling agency.* FAA Salt Lake City, ARTCC.

*Using agency.* USAF, 366th Wing, Mountain Home AFB, ID.

#### R-3202 High Saylor Creek, ID [New]

*Boundaries.* Beginning at lat. 42°53'00" N., long. 115°42'20" W.; at lat. 42°53'00" N., long. 115°24'15" W.; at lat. 42°36'00" N., long. 115°24'15" W.; at lat. 42°36'00" N., long. 115°42'20" W.; to the point of beginning.

*Designated altitudes.* FL 180 to FL 290.

*Times of use.* 0730-2200 local time, Monday through Friday, other times by NOTAM.

*Controlling agency.* FAA Salt Lake City, ARTCC.

*Using agency.* USAF, 366th Wing, Mountain Home AFB, ID.

#### R-3204A Juniper Buttes, ID [New]

*Boundaries.* Beginning at lat. 42°20'00" N., long. 115°22'30" W.; at lat. 42°20'51" N., long. 115°18'00" W.; at lat. 42°19'00" N., long. 115°17'00" W.; at lat. 42°16'35" N., long. 115°17'00" W.; at lat. 42°16'35" N., long. 115°22'30" W.; to the point of beginning.

*Designated altitudes.* Surface to 100 feet AGL.

*Times of use.* 0730-2200 local time, Monday through Friday, other times by NOTAM.

*Controlling agency.* FAA Salt Lake City, ARTCC.

*Using agency.* USAF, 366th Wing, Mountain Home AFB, ID.

**R-3204B Juniper Buttes, ID [New]**

*Boundaries.* The airspace within a 5-NM radius centered on (lat. 42°18'00" N., long. 115°20'00" W.:)

*Designated altitudes.* 100 feet AGL to but not including FL 180.

*Times of use.* 0730–2200 local time, Monday through Friday, other times by NOTAM.

*Controlling agency.* FAA Salt Lake City, ARTCC.

*Using agency.* USAF, 366th Wing, Mountain Home AFB, ID.

**R-3204C Juniper Buttes, ID [New]**

*Boundaries.* The airspace within a 5-NM radius centered on (lat. 42°18'00" N., long. 115°20'00" W.:)

*Designated altitudes.* FL 180 to FL 290.

*Times of use.* 0730–2200 local time, Monday through Friday, other times by NOTAM.

*Controlling agency.* FAA Salt Lake City, ARTCC.

*Using agency.* USAF, 366th Wing, Mountain Home AFB, ID.

\* \* \* \* \*

Issued in Washington, DC, on June 26, 2001.

**Reginald C. Matthews,**

*Manager, Airspace and Rules Division.*

[FR Doc. 01-16603 Filed 6-29-01; 8:45 am]

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

**DEPARTMENT OF THE INTERIOR**

**Office of Insular Affairs**

**15 CFR Part 303**

[Docket No. 991228350-1118-02]

RIN: 0625-AA57

**Changes in the Insular Possessions Watch, Watch Movement and Jewelry Program**

**AGENCIES:** Import Administration, International Trade Administration, Department of Commerce; Office of Insular Affairs, Department of the Interior.

**ACTION:** Final rule.

**SUMMARY:** The Departments amend their regulations governing watch duty-exemption allocations and the watch and jewelry duty-refund benefits for producers in the United States insular possessions (the U.S. Virgin Islands, Guam, American Samoa and the

Commonwealth of the Northern Mariana Islands). The rule amends ITA regulations by further clarifying the range of documents that may be needed for verification of duty-free shipments of jewelry into the United States and by clarifying which wages qualify as creditable and which do not for purposes of calculating the duty-refund for watches and jewelry. Also, the regulations were amended by making minor editorial changes within the definition of new firm for watches. Finally, we amend the duty refund process by dividing the amount of the annual duty refund certificate into two installments. These amendments make grammatical changes, clarify a portion of the regulations, update methods of documentation and help producers receive benefits in a more timely fashion.

**DATES:** July 2, 2001.

**FOR FURTHER INFORMATION CONTACT:** Faye Robinson, (202) 482-3526.

**SUPPLEMENTARY INFORMATION:** We published proposed regulatory revisions on May 23, 2001 (66 FR 28404) and invited comments. We received two letters with comments. Both letters pertained to the clarification of the definition of creditable wages. Both pointed out that the watch and jewelry factories have machinery that require plumbers, electricians and machine and maintenance people and that these people are integral to their assembly and manufacturing processes. It was also pointed out that security personnel were essential to the operations of some factories. We agree that wages paid to employees who maintain equipment essential to the assembly and manufacturing operations at the factories should be creditable towards the duty refund even if the employees include plumbers or electricians. We also agree wages paid to security staff should be creditable towards the duty refund and decided that specific language regarding security activities should be included in the regulations. In the proposed language we were trying to convey that wages paid for the construction of a building, an addition to an existing building or office construction within the shell of a building is beyond the scope of the program and the wages for those workers are not creditable. We thank the commenters for their input and we have revised the language to more clearly articulate which wages are creditable.

The insular possessions watch industry provision in Sec. 110 of Pub. L. No. 97-446 (96 Stat. 2331) (1983), as amended by Sec. 602 of Pub. L. No. 103-465 (108 Stat. 4991) (1994);

additional U.S. Note 5 to chapter 91 of the Harmonized Tariff Schedule of the United States ("HTSUS"), as amended by Pub.L. 94-241 (90 Stat. 263)(1976) requires the Secretary of Commerce and the Secretary of the Interior, acting jointly, to establish a limit on the quantity of watches and watch movements which may be entered free of duty during each calendar year. The law also requires the Secretaries to establish the shares of this limited quantity which may be entered from the Virgin Islands, Guam, American Samoa and the Commonwealth of the Northern Mariana Islands ("CNMI"). After the Departments have verified the data submitted on the annual application (Form ITA-334P), the producers' duty-exemption allocations are calculated from the territorial share in accordance with 15 CFR 303.14 and each producer is issued a duty-exemption license. The law further requires the Secretaries to issue duty-refund certificates to each territorial watch and watch movement producer based on the company's duty-free shipments and creditable wages paid during the previous calendar year.

Pub. L. 106-36 (113 Stat. 127) (1999) authorizes the issuance of a duty-refund certificate to each territorial jewelry producer for any article of jewelry provided for in heading 7113 of the HTSUS which is the product of any such territory. The value of the certificate is based on creditable wages paid and duty-free units shipped into the United States during the previous calendar year. Although the law specifically mentions the U.S. Virgin Islands, Guam and American Samoa, the issuance of the duty-refund certificate would also apply to the CNMI due to the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (Pub. L. 94-241), which states that goods from the CNMI are entitled to the same tariff treatment as imports from Guam. *See also* 19 CFR 7.2(a). The law provides that during the first two years, beginning August 9, 1999, jewelry that is assembled in the territories shall be treated as a product of such territories. Thereafter, in order to be considered a product of such territories, the jewelry must meet the U.S. Customs Service substantial transformation requirements (the jewelry must become a new and different article of commerce as a result of production or manufacture performed in the territory). To receive duty-free treatment, the jewelry must also satisfy the requirements of General Note 3(a)(iv) of the HTSUS and applicable Customs Regulations (19 CFR 7.3).