

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 71**

[Airspace Docket No. 01-ANM-04]

**Establishment of Class E Airspace, Kanab, UT****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Final rule.

**SUMMARY:** This action establishes Class E airspace at Kanab, UT. Newly developed Area Navigation (RNAV) Standard Instrument Approach Procedure (SIAP) and Departure Procedure (DP) to the Kanab Municipal Airport has made this action necessary. Class E 700-foot and 1,200-foot controlled airspace, above the surface of the earth is required to contain aircraft executing procedures in the Instrument Flight Rules (IFR).

**EFFECTIVE DATE:** 0901 UTC, April 18, 2002.

**FOR FURTHER INFORMATION CONTACT:** Brian Durham, ANM-520.7, Federal Aviation Administration, Docket No. 01-ANM-04, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone number: (425) 227-2527.

**SUPPLEMENTARY INFORMATION:****History**

On April 17, 2001, the FAA proposed to amend Title 14 Code of Federal Regulations, part 71 (14 CFR part 71) by establishing Class E airspace at Kanab, UT, in order to accommodate new RNAV SIAP and DP at Kanab Municipal Airport, Kanab, UT (66 FR 43134). This amendment provides Class E5 airspace at Kanab, UT, 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) establishes Class E airspace at Kanab, UT, in order to accommodate new SIAP and DP to the Kanab Municipal Airport, Kanab, UT. This amendment establishes Class E5 airspace at Kanab, UT, to meet current criteria standards associated with the RNAV SIAP and DP. 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 Kanab Municipal 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 7400.9J dated August 31, 2001, and effective September 16, 2001, 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 7400.9J, Airspace Designations and Reporting Points, dated August 31, 2001, and effective

September 16, 2001, is amended as follows:

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

\* \* \* \* \*

**ANM UT E5 Kanab, UT [New]**

Kanab Municipal Airport, UT  
(Lat. 37°00'40" N., long. 112°31'52" W.)

That airspace extending upward from 700 feet above the surface within the 8-mile radius of the Kanab Municipal Airport; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at lat. 36°32'10" N., long. 112°00'00" W.; to lat. 36°32'10" N., long. 112°52'00" W.; to lat. 37°15'00" N., long. 112°52'00" W.; to lat. 37°15'00" N., long. 112°16'00" W.; to lat. 37°09'00" N., long. 112°15'00" W.; to lat. 37°09'00" N., long. 111°50'00" W.; to lat. 36°45'00" N., long. 111°50'00" W.; to lat. 36°45'00" N., long. 112°00'00" W.; thence to the point of origin; and excluding that airspace within Federal airways.

\* \* \* \* \*

Issued in Seattle, Washington, on December 27, 2001.

**Daniel A. Boyle,**

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

[FR Doc. 02-3793 Filed 2-14-02; 8:45 am]

**BILLING CODE 4910-13-M****DEPARTMENT OF THE TREASURY****Customs Service****19 CFR Part 141**

[T.D. 02-07]

**RIN 1515-AD03****Andean Trade Preference Act****AGENCY:** U.S. Customs Service, Department of the Treasury.**ACTION:** Temporary rule.

**SUMMARY:** This is a 90-day temporary rule. Duty-free treatment for eligible articles from beneficiary countries under the Andean Trade Preference Act (ATPA) expired on December 4, 2001. This document amends the Customs Regulations on a temporary basis to provide that effective February 15, 2002, importers of eligible articles that, but for the expiration of the ATPA, would have been entitled to duty-free treatment under the ATPA, may exercise the option to defer the payment of estimated Customs duties and fees after entry of those articles until May 16, 2002. The Administration anticipates that the duty-free treatment accorded to merchandise under the provisions of the ATPA will be restored and made

retroactive to the date of the initial termination of such duty-free treatment (December 4, 2001), and that there will be no extension of this extraordinary action.

After consultation with the State Department, the Department of Commerce, the United States Trade Representative, the Office of National Drug Control Policy, and others, it has been determined that there is a national security interest to be furthered by an interim deferral of collection of estimated duties on products from the Andean nations. Action in this matter is also intended to relieve the importing public from having to deposit estimated duties and fees on eligible merchandise and then having to apply for a refund of the duties in the event duty-free treatment is retroactively re-authorized for such merchandise under the ATPA.

**EFFECTIVE DATE:** This temporary rule is effective on February 15, 2002, and expires on May 16, 2002. This temporary rule applies to imported merchandise that would have been subject to duty-free treatment had the ATPA not expired, that is entered or withdrawn from warehouse for consumption in the customs territory of the United States on or after February 15, 2002.

**FOR FURTHER INFORMATION CONTACT:** Leon Hayward, Office of Field Operations, 202-927-3271.

**SUPPLEMENTARY INFORMATION:**

**Background**

Title II of Public Law 102-182 (105 Stat. 1233), enacted on December 4, 1991, and entitled the Andean Trade Preference Act (ATPA), authorized the President to proclaim duty-free treatment for all eligible articles from any beneficiary country, to designate countries as beneficiary countries, and to proclaim duty reductions for certain goods not eligible for duty-free treatment. The ATPA is codified at 19 U.S.C. 3201-3206.

Sections 10.202-10.208 of the Customs Regulations (19 CFR 10.202-10.208) set forth the legal requirements and procedures that apply for purposes of obtaining duty-free or reduced duty treatment for articles from a beneficiary country. These articles are identified for purposes of receiving duty-free or reduced duty treatment in General Note 11, Harmonized Tariff Schedule of the United States (HTSUS), and in the "Special" rate of duty column in the HTSUS. The beneficiary countries covered by the ATPA are Bolivia, Colombia, Ecuador and Peru (General Note 11(a), HTSUS).

It is stated in 19 U.S.C. 3206(b) that no duty-free treatment extended to beneficiary countries under the ATPA will remain in effect 10 years after December 4, 1991, which, as noted above, is the date of enactment of the ATPA.

Nevertheless, the Administration anticipates that the duty-free treatment accorded to merchandise eligible for such treatment under the provisions of the ATPA will be restored and made retroactive to the date of initial termination (December 4, 2001).

After consultation with the State Department, the Department of Commerce, the United States Trade Representative, the Office of National Drug Control Policy, and others, it has been determined that there is a national security interest to be furthered by an interim deferral of collection of estimated duties on merchandise from the Andean nations previously eligible for such treatment. The ATPA serves to help encourage and expand legitimate economic activities in countries combatting illegal narcotic production and trafficking and related criminal and terrorist activities.

The ATPA explicitly references that satisfying the narcotics cooperation certification criteria set forth in section 481(h)(2)(A) of the Foreign Assistance Act of 1961 (deemed to be a reference to section 490 of the Foreign Assistance Act, codified at 22 U.S.C. 2291j) is an important factor in determining a country's eligibility to be designated as a beneficiary under the ATPA. The Andean nations that have been designated as beneficiaries under the ATPA were last determined on March 1, 2001, to satisfy these criteria. (Section 591(5) of the Kenneth M. Ludden Foreign Operations, Export Financing, and Related Programs Appropriations Act, Fiscal Year 2002 (Pub. L. 107-115, 115 Stat. 2118, January 10, 2002), makes section 490 of the Foreign Assistance Act inoperative in FY 2002 and provides for modified procedures which contain many of the same elements as section 490.) Accordingly, an interim deferral of estimated duties and fees in anticipation of Congressional re-enactment of the ATPA within the next 90 days is appropriate to further the national security interest in combating narcotic production and trafficking and related criminal and terrorist activities.

To this end, Customs is amending § 141.102 of the Customs Regulations (19 CFR 141.102) to provide that as of February 15, 2002, an importer of eligible articles that, but for the expiration of the ATPA, would have been entitled to duty-free treatment under the ATPA, may exercise the

option to defer the payment of estimated Customs duties and fees on the entry of those articles until May 16, 2002.

Action in this matter is intended to relieve the importing public from having to deposit estimated duties and fees on eligible merchandise and then having to apply for a refund of the duties in the event duty-free treatment is retroactively re-authorized for such merchandise under the ATPA in the next 90 days.

If an importer chooses to use the option of filing estimated duties and fees more than 10 days after the date of entry of the merchandise, Customs will require paper filings of the entry and entry summary.

**Administrative Procedure Act, Regulatory Flexibility Act and Executive Order 12866**

After consultation with the Department of State, the Department of Commerce, the United States Trade Representative, the Office of National Drug Control Policy, and others, it has been determined that there is a national security interest to be furthered by an interim deferral of collection of estimated duties on merchandise from the Andean nations previously eligible for such treatment. Accordingly, because the national security interest at issue involves a foreign affairs function of the United States, notice and public procedure are not required pursuant to 5 U.S.C. 553(a)(1). This action will also provide the importing public an option to avoid having to deposit estimated duties and fees on eligible merchandise and then having to apply for a refund of the duties if, as expected, duty-free treatment is retroactively re-authorized for such merchandise under the ATPA in the next 90 days. Accordingly, notice and public procedure are not required pursuant to 5 U.S.C. 553(b)(B). For these same reasons, a delayed effective date is not required pursuant to 5 U.S.C. 553(a)(1) and (d)(1).

Because no notice of proposed rulemaking is required, this temporary rule is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Nor is this temporary rule a "significant regulatory action" for purposes of E.O. 12866.

**List of Subjects in 19 CFR Part 141**

Customs duties and inspection, Entry of merchandise, Release of merchandise, Reporting and recordkeeping requirements.

**Amendments to the Regulations**

Part 141, Customs Regulations (19 CFR part 141), is amended as set forth below.

**PART 141—ENTRY OF MERCHANDISE**

1. The general authority citation for part 141 and the specific authority citation for subpart G continue to read, and a new specific authority citation for § 141.102(e) is added in appropriate numerical order to read, as follows:

**Authority:** 5 U.S.C. 301; 19 U.S.C. 66, 1431, 1433, 1434, 1624; 46 U.S.C. App. 3, 91.  
\* \* \* \* \*

Subpart G also issued under 19 U.S.C. 1505;

\* \* \* \* \*

Section 141.102(e) also issued under 19 U.S.C. 3;

\* \* \* \* \*

2. Section 141.102 is amended by adding a new paragraph (e) to read as follows:

**§ 141.102 When deposit of estimated duties, estimated taxes, or both not required.**

\* \* \* \* \*

(e) *Merchandise otherwise duty-free under Andean Trade Preference Act (ATPA).* For merchandise entered or withdrawn from warehouse for consumption in the customs territory of the United States on or after February 15, 2002, an importer of eligible articles that, but for the expiration of the Andean Trade Preference Act (ATPA), would have been entitled to duty-free treatment under the ATPA, may, at the importer's option, defer the payment of estimated Customs duties and fees on the entry of those articles until May 16, 2002. Merchandise eligible for duty-free treatment under the ATPA is identified in General Note 11, Harmonized Tariff Schedule of the United States (HTSUS), and in the relevant "Special" rate of duty column in the HTSUS. The procedure for obtaining duty-free treatment for merchandise otherwise eligible for such treatment under the ATPA is contained in § 10.207 of this chapter. If the option is taken to deposit the estimated duties and fees more than 10 days from the date of entry, the entry and entry summary will not be accepted by Customs electronically.

**Robert C. Bonner,**

*Commissioner of Customs.*

Approved: February 13, 2002.

**Timothy E. Skud,**

*Acting Deputy Assistant Secretary of the Treasury.*

[FR Doc. 02-4009 Filed 2-13-02; 4:46 pm]

BILLING CODE 4820-02-P

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Food and Drug Administration****21 CFR Part 529****Certain Other Dosage Form New Animal Drugs; Albuterol**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Boehringer Ingelheim Vetmedica, Inc. The NADA provides for use of an intranasal aerosol of albuterol sulfate for relief of bronchospasm and bronchoconstriction in horses.

**DATES:** This rule is effective February 15 2002.

**FOR FURTHER INFORMATION CONTACT:** Melanie R. Berson, Center for Veterinary Medicine (HFV-110), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-827-7540.

**SUPPLEMENTARY INFORMATION:** Boehringer Ingelheim Vetmedica, Inc., 2621 North Belt Highway, St. Joseph, MO 64506-2002, filed NADA 141-180 that provides for use of TORPEX (albuterol sulfate) Aerosol for the immediate relief of bronchospasm and bronchoconstriction associated with reversible airway obstruction in horses. The NADA is approved as of November 16, 2001, and the regulations are amended in 21 CFR part 529 by adding § 529.40 to reflect the approval. The basis of approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of 21 CFR part 20 and 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

Under section 512(c)(2)(F)(i) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360b(c)(2)(F)(i)), this approval qualifies for 5 years of marketing exclusivity beginning November 16, 2001, because no active ingredient (including any ester or salt of the drug) has been previously approved in any other application filed under section 512(b)(1) of the act.

The agency has determined under 21 CFR 25.33(d)(1) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This rule does not meet the definition of "rule" in 5 U.S.C. 804(3)(A) because it is a rule of "particular applicability." Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801-808.

**List of Subjects in 21 CFR Part 529**

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under the authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 529 is amended as follows:

**PART 529—CERTAIN OTHER DOSAGE FORM NEW ANIMAL DRUGS**

1. The authority citation for 21 CFR part 529 continues to read as follows:

**Authority:** 21 U.S.C. 360b.

2. Section 529.40 is added to read as follows:

**§ 529.40 Albuterol.**

(a) *Specifications.* A net weight of 6.7 grams of formulated albuterol sulfate is supplied in a pressurized aluminum canister within an actuator system equipped with a detachable nasal delivery bulb.

(b) *Approvals.* See No. 000010 in § 510.600(c) of this chapter for uses as in paragraph (d) of this section.

(c) *Special considerations.* Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(d) *Conditions of use—(1) Amount.* Each valve actuation (puff) of the device delivers 120 micrograms (mcg) of albuterol sulfate. One dose is three (3) puffs, totaling 360 mcg.

(2) *Indications for use.* For the immediate relief of bronchospasm and bronchoconstriction associated with reversible airway obstruction in horses.

(3) *Limitations.* Not for use in horses intended for food.

Dated: February 4, 2002.

**Stephen F. Sundlof,**

*Director, Center for Veterinary Medicine.*

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