

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

[Docket No. FAA-2005-20572; Airspace  
Docket No. 05-ACE-9]

**Establishment of Class E2 Airspace;  
and Modification of Class E5 Airspace;  
Valentine, NE**

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

**ACTION:** Final rule.

**SUMMARY:** This rule establishes a Class E surface area at Valentine, NE. It also modifies the Class E airspace area extending upward from 700 feet above the surface at Valentine, NE.

The effect of this rule is to provide appropriate controlled Class E airspace for aircraft departing from and executing instrument approach procedures to Miller Field, Valentine, NE and to segregate aircraft using instrument approach procedures in instrument conditions from aircraft operating in visual conditions.

**EFFECTIVE DATE:** 0901 UTC, July 7, 2005.

**FOR FURTHER INFORMATION CONTACT:**

Brenda Mumper, Air Traffic Division, Airspace Branch, ACE-520A, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone: (816) 329-2524.

**SUPPLEMENTARY INFORMATION:**

**History**

On Thursday, March 23, 2005, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish a Class E surface area and to modify other Class E airspace at Valentine, NE (70 FR 14601). The proposal was to establish a Class E surface area at Valentine, NE and also to modify the Class E5 airspace area to bring Valentine, NE airspace into compliance with FAA directives. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

**The Rule**

This amendment to 14 CFR part 71 establishes Class E airspace designated as a surface area for an airport at Valentine, NE. The FAA has modified some existing instrument approach procedures (IAPs) and developed area navigation (RNAV) global positioning system (GPS) IAPs to serve Miller Field, Valentine, NE. Controlled airspace

extending upward from the surface of the earth is needed to contain aircraft executing these IAPs. Weather observations will be provided by an Automatic Surface Observing System (ASOS) and communications will be direct with Denver Air Route Traffic Control Center.

This rule also revises the Class E airspace area extending upward from 700 feet above the surface at Valentine, NE. An examination of this Class E airspace area for Valentine, NE revealed noncompliance with FAA directives. This corrects identified discrepancies by eliminating the northwest extension to the airspace area, decreasing the width of the southeast extension from 2.6 miles to 2.5 miles each side of the 149° bearing from the Valentine nondirectional radio beacon (NDB), decreasing the length of the southeast extension in from 7.9 miles from the airport to 7 miles from the NDB, defining airspace of appropriate dimensions to protect aircraft departing and executing instrument approach procedures to Miller Field and brings the airspace area into compliance with FAA directives. Both areas will be depicted on appropriate aeronautical charts.

Class E airspace areas designated as surface areas are published in Paragraph 6002 of FAA Order 7400.9M, Airspace Designations and Reporting Points, dated August 30, 2004, and effective September 16, 2004, which is incorporated by reference in 14 CFR 71.1 Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in Paragraph 6005 of the same Order. The Class E airspace designations 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. 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.

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 the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority since it contains aircraft executing instrument approach procedures to Miller Field.

**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 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 6002 Class E Airspace  
Designated as Surface Areas.*

\* \* \* \* \*

**ACE NE E2 Valentine, NE**

Valentine, Miller Field, NE  
(Lat. 42°51'128" N., long. 100°32'51" W.)

Valentine, NDB  
(Lat. 42°51'42" N., long 100°32'59" W.)

Within a 4-mile radius of Miller Field and within 2.5 miles each side of the 149° bearing from the Valentine NDB extending from the 4-mile radius of the airport to 7 miles southeast of the NDB.

\* \* \* \* \*

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

\* \* \* \* \*

**ACE NE E5 Valentine, NE**

Valentine, Miller Field, NE  
(Lat. 42°51'28" N., long. 100°32'51" W.)

Valentine NDB  
(Lat. 42°51'42" N., long. 100°32'59" W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Miller Field and within 2.5 miles each side of the 149° bearing from the Valentine NDB extending from the 6.5-mile

radius of the airport to 7 miles southeast of the NDB.

\* \* \* \* \*

Issued in Kansas City, MO, on May 2, 2005.

**Elizabeth S. Wallis,**

*Acting Area Director, Western Flight Services Operations.*

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**BILLING CODE 4910-13-M**

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### 15 CFR Parts 335 and 340

[Docket Number 001229368-5092-02]

RIN 0625-AA58

#### Imports of Certain Worsted Wool Fabric; Implementation of Tariff Rate Quota Established Under Title V of the Trade and Development Act of 2000

**AGENCY:** Department of Commerce, International Trade Administration.

**ACTION:** Final rule.

**SUMMARY:** The Department of Commerce is issuing final regulations implementing Section 501(e) and Section 504(b) of the Trade and Development Act of 2000 ("the Act"). Section 501(e) requires the President to fairly allocate tariff rate quotas on the import of certain worsted wool fabrics, tariff rate quotas which were established by Sections 501(a) and 501(b) of the Act. Section 504(b) authorizes the President to modify the limitations on worsted wool fabric imports under the tariff rate quotas. The President has delegated to the Secretary of Commerce the authority to allocate the quantity of imports under the tariff rate quotas and to determine whether the limitations on the quantity of imports under the tariff rate quotas should be modified.

**DATES:** This rule is effective on June 13, 2005.

**ADDRESSES:** Copies of the documents relevant to this action are available for inspection during normal business hours in room 3100 in the Herbert Hoover Building, 14th and Constitution Avenue, N.W., Washington, DC 20230.

**FOR FURTHER INFORMATION CONTACT:** Sergio Botero, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4058.

#### SUPPLEMENTARY INFORMATION:

**This supplementary information section is organized as follows:**

A. Background

B. Public Comments Received and Department of Commerce Responses

C. Action Being Taken by the Department of Commerce  
D. Statutory and Executive Order Reviews

#### A. Background

The Act creates two tariff rate quotas (TRQ), providing for temporary reductions for three years in the import duties on two categories of worsted wool fabrics suitable for use in making suits, suit-type jackets, or trousers: (1) for worsted wool fabric with average fiber diameters greater than 18.5 microns (new Harmonized Tariff Schedule of the United States (HTS) heading 9902.51.11), the reduction in duty is limited to 2,500,000 square meter equivalents or such other quantity proclaimed by the President; and (2) for worsted wool fabric with average fiber diameters of 18.5 microns or less (new HTS heading 9902.51.12), the reduction is limited to 1,500,000 square meter equivalents or such other quantity proclaimed by the President.

The Act requires that the tariff rate quotas be allocated. More specifically, the President must ensure that the tariff rate quotas are fairly allocated to persons (including firms, corporations, or other legal entities) who cut and sew men's and boys' worsted wool suits, suit-type jackets and trousers in the United States and who apply for an allocation based on the amount of such suits cut and sewn during the prior calendar year.

The Act requires that the President annually consider requests by U.S. manufacturers of certain worsted wool apparel to modify the limitation on the quantity of fabric that may be imported under the tariff rate quotas, and grants the President the authority to proclaim modifications to the limitations. In determining whether to modify the limitations, the President must consider specified U.S. market conditions with respect to worsted wool fabric and worsted wool apparel.

In Presidential Proclamation 7383, of December 1, 2000, the President authorized the Secretary of Commerce: (1) to allocate the imports of worsted wool fabrics under the tariff rate quotas; (2) to annually consider requests from domestic manufacturers of worsted wool apparel to modify the limitation on the quantity of worsted wool fabrics that may be imported under the tariff rate quotas; (3) to determine whether the limitations on the quantity of imports of worsted wool fabrics under the tariff rate quotas should be modified and to recommend to the President that appropriate modifications be made; and (4) to issue regulations to implement relevant provisions of the Act.

The Presidential Proclamation authorizing the Department of Commerce to issue regulations to implement these provisions was issued on December 1, 2000. Pursuant to the Act, the tariff rate quotas entered into force on January 1, 2001. Thus, there was good cause to find that in order to meet the statutory implementation date and to ensure that importers receive the benefit of the reduction in tariff rate as soon as possible, the otherwise applicable notice and comment procedures were impracticable and contrary to the public interest under 5 U.S.C. 553(b)(B). Moreover, for the same reason, there was good cause to find that the effective date of the interim rule should not be delayed until 30 days after its publication under 5 U.S.C. 553(d)(3). While the interim regulations became effective on January 22, 2001, the Department of Commerce solicited comments on the interim regulations and expressed particular interest in comments concerning any impact the regulations might have on small or medium sized businesses.

#### B. Public Comments Received and Department of Commerce Responses

The Department of Commerce received the comments described below from a number of parties, including businesses, trade associations and counsel for other interested parties. Comments specifically pertaining to the allocation of previous years' tariff rate quotas have been omitted as moot.

*Comment:* Applicants should be allowed to include in reported production amounts worsted wool fabric cut and sewn on behalf of an owner.

*Response:* The legislation states that the allocation is to be based on the amount of men's and boys' suits cut and sewn in the U.S. during the prior calendar year and shall be granted to persons (including, firms, corporations, or other legal entities) who cut and sew men's and boys' worsted wool suits and suit-like jackets and trousers in the United States. The fabric TRQ allocated to a licensee is intended for the licensee's own production, or production on its behalf by contractors using the licensee's owned fabric, and not for the cutting and sewing of garments for others with fabric they do not own.

*Comment:* Persons involved in the production of men's and boys' worsted wool suits, suit-type jackets and trousers other than those who cut and sew such garments, such as importers of worsted wool fabric, should be allowed to apply for licenses.