

**Effective Date**

(o) This amendment becomes effective on September 30, 2002.

Issued in Renton, Washington, on September 24, 2002.

**Ali Bahrami,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 02-24810 Filed 9-26-02; 10:46 am]

BILLING CODE 4910-13-P

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

[Docket No. 29334; Amendment No. 71-34]

**Airspace Designations; Incorporation by Reference**

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

**ACTION:** Final rule.

**SUMMARY:** This action amends the FAA regulations relating to airspace designations to reflect the approval by the Director of the Federal Register of the incorporation by reference of FAA Order 7400.9K Airspace Designations and Reporting Points. This action also explains the procedures the FAA will use to amend the listings of Class A, Class B, Class C, Class D, and Class E airspace areas and reporting points incorporated by reference.

**DATES:** These regulations are effective September 16, 2002. The incorporation by reference of FAA Order 7400.9K is approved by the Director of the Federal Register as of September 16, 2002, through September 15, 2003.

**FOR FURTHER INFORMATION CONTACT:** Brenda Brown, Janet Glivings, or Christine Graves, 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:****History**

FAA Order 7400.9J, Airspace Designations and Reporting Points, dated August 31, 2001, and effective September 16, 2001, listed Class A, Class B, Class C, Class D, and Class E airspace areas and reporting points. Due to the length of these descriptions, the FAA requested approval from the Office of the Federal Register to incorporate the material by reference in the Federal Aviation Regulations § 71.1 (14 CFR 71.1). The Director of the Federal

Register approved the incorporation by reference of FAA Order 7400.9J in § 71.1, effective September 16, 2001, through September 15, 2002. During the incorporation by reference period, the FAA processed all proposed changes of the airspace listings in FAA Order 7400.9J in full text as proposed rule documents in the **Federal Register**. Likewise, all amendments of these listings were published in full text as final rules in the **Federal Register**. This rule reflects the periodic integration of these final rule amendments into a revised edition of Airspace Designations and Reporting Points, Order 7400.9K. The Director of the Federal Register has approved the incorporation by reference of FAA Order 7400.9K in § 71.1, as of September 16, 2002, through September 15, 2003. This rule also explains the procedures the FAA will use to amend the airspace designations incorporated by reference in part 71. Sections 71.5, 71.31, 71.33, 71.41, 71.51, 71.61, 71.71, 71.79, and 71.901 are also updated to reflect the incorporation by reference of FAA Order 7400.9K.

**The Rule**

This action amends part 71 of the Federal Aviation Regulations (14 CFR part 71) to reflect the approval by the Director of the Federal Register of the incorporation by reference of FAA Order 7400.9K, effective September 16, 2002, through September 15, 2003. During the incorporation by reference period, the FAA will continue to process all proposed changes of the airspace listings in FAA Order 7400.9K in full text as proposed rule documents in the **Federal Register**. Likewise, all amendments of these listings will be published in full text as final rules in the **Federal Register**. The FAA will periodically integrate all final rule amendments into a revised edition of the Order, and submit the revised edition to the Director of the Federal Register for approval for incorporation by reference in § 71.1.

The FAA has determined that this action: (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. This action neither places any new restrictions or requirements on the public, nor changes the dimensions or operating requirements of the airspace listings incorporated by reference in part 71. Consequently, notice and public procedure under 5 U.S.C. 553(b) are unnecessary. Because this action will

continue to update the changes to the airspace designations, which are depicted on aeronautical charts, and to avoid any unnecessary pilot confusion, I find that good cause exists, under 5 U.S.C. 553(d), for making this amendment effective in less than 30 days.

**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.

2. Section 71.1 is revised to read as follows:

**§ 71.1 Applicability.**

The complete listing for all Class A, Class B, Class C, Class D, and Class E airspace areas and for all reporting points can be found in FAA Order 7400.9K, Airspace Designations and Reporting Points, dated August 30, 2002. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. The approval to incorporate by reference FAA Order 7400.9K is effective September 16, 2002, through September 15, 2003. During the incorporation by reference period, proposed changes to the listings of Class A, Class B, Class C, Class D, and Class E airspace areas and to reporting points will be published in full text as proposed rule documents in the **Federal Register**. Amendments to the listings of Class A, Class B, Class C, Class D, and Class E airspace areas and to reporting points will be published in full text as final rules in the **Federal Register**. Periodically, the final rule amendments will be integrated into a revised edition of the Order and submitted to the Director of the Federal Register for approval for incorporation by reference in this section. Copies of FAA Order 7400.9K may be obtained from the Airspace and Rules Division, ATA-400, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, (202) 267-8783. Copies of FAA Order

7400.9K may be inspected in Docket No. 29334 at the Federal Aviation Administration, Office of the Chief Counsel, AGC-200, Room 915G, 800 Independence Avenue, SW., Washington, DC, weekdays between 8:30 a.m. and 5 p.m., or at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC. This section is applicable September 16, 2002, through September 15, 2003.

**§ 71.5 [Amended]**

3. Section 71.5 is amended by removing the words "FAA Order 7400.9J" and adding, in their place, the words "FAA Order 7400.9K".

**§ 71.31 [Amended]**

4. Section 71.31 is amended by removing the words "FAA Order 7400.9J" and adding, in their place, the words "FAA Order 7400.9K".

**§ 71.33 [Amended]**

5. Paragraph (c) of § 71.33 is amended by removing the words "FAA Order 7400.9J" and adding, in their place, the words "FAA Order 7400.9K".

**§ 71.41 [Amended]**

6. Section 71.41 is amended by removing the words "FAA Order 7400.9J" and adding, in their place, the words "FAA Order 7400.9K".

**§ 71.51 [Amended]**

7. Section 71.51 is amended by removing the words "FAA Order 7400.9J" and adding, in their place, the words "FAA Order 7400.9K".

**§ 71.61 [Amended]**

8. Section 71.61 is amended by removing the words "FAA Order 7400.9J" and adding, in their place, the words "FAA Order 7400.9K".

**§ 71.71 [Amended]**

9. Paragraphs (b), (c), (d), (e), and (f) of § 71.71 are amended by removing the words "FAA Order 7400.9J" and adding, in their place, the words "FAA Order 7400.9K".

**§ 71.79 [Amended]**

10. Section 71.79 is amended by removing the words "FAA Order 7400.9J" and adding, in their place, the words "FAA Order 7400.9K".

**§ 71.901 [Amended]**

11. Paragraph (a) of § 71.901 is amended by removing the words "FAA Order 7400.9J" and adding, in their place, the words "FAA Order 7400.9K".

Issued in Washington, DC, September 13, 2002.

**Reginald C. Matthews,**

*Manager, Airspace and Rules Division.*

[FR Doc. 02-23824 Filed 9-27-02; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF THE TREASURY**

**Customs Service**

**19 CFR Part 12**

**[T.D. 02-56]**

**RIN 1515-AD17**

**Extension of Import Restrictions Imposed on Archaeological Material From Guatemala**

**AGENCY:** Customs Service, Treasury.

**ACTION:** Final rule.

**SUMMARY:** In T.D. 97-81, the Customs Regulations were amended to reflect the imposition of import restrictions on certain archaeological material from Guatemala. These restrictions were imposed pursuant to a Memorandum of Understanding between the United States and Guatemala (the MOU) that was entered into under the authority of the Convention on Cultural Property Implementation Act in accordance with the 1970 United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. Recently, the United States Department of State determined that conditions continue to warrant the imposition of these import restrictions for a period not to exceed 5 years. The Governments of the United States and Mali exchanged diplomatic notes agreeing to extend the MOU. Thus, this document amends the Customs Regulations to reflect that the import restrictions currently in place continue, without interruption, for a period not to exceed five years from September 29, 2002. T.D. 97-81 contains the List of Designated Archaeological Material from Guatemala that describes the articles to which the restrictions and this extension of restrictions apply.

**EFFECTIVE DATE:** This regulation and the extension of import restrictions reflected in this regulation become effective on September 29, 2002.

**FOR FURTHER INFORMATION CONTACT:** (Regulatory Aspects) Joseph Howard, Intellectual Property Rights Branch (202) 572-8701; (Operational Aspects) Al Morawski, Trade Operations (202) 927-0402.

**SUPPLEMENTARY INFORMATION:**

**Background**

Pursuant to the provisions of the 1970 UNESCO Convention, codified into U.S. law as the Convention on Cultural Property Implementation Act (Public Law 97-446, 19 U.S.C. 2601 et seq)(the Act), the United States entered into a bilateral agreement with Guatemala on September 29, 1997 (Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of Guatemala Concerning the Imposition of Import Restrictions on Archaeological Objects and Materials from the Pre-Columbian Cultures of Guatemala) (the MOU), concerning the imposition of import restrictions on certain archaeological material from Guatemala. The U.S. Customs Service issued T.D. 97-81 (62 FR 51771, October 3, 1997) amending § 12.104g(a) of the Customs Regulations (19 CFR 12.104g(a)) to reflect the imposition of these restrictions for a period not to exceed five years. The restrictions cover Maya material from the Peten Lowlands and related pre-Columbian material from the Highlands and the Southern Coast of Guatemala. The restrictions became effective on October 3, 1997.

Prior to the issuance of T.D. 97-81, Customs issued T.D. 91-34 (56 FR 15181, April 15, 1991) that imposed emergency import restrictions on certain archaeological material from the Peten Region of Guatemala. Under T.D. 91-34, § 12.104g(b) (19 CFR 12.104g(b)) of the regulations pertaining to emergency restrictions was amended accordingly. These emergency restrictions were extended for a period of three years under T.D. 94-84 (59 FR 55528, November 7, 1994). Subsequently, the same archaeological material covered by T.D. 91-34 (and the extension of T.D. 94-84) was subsumed in T.D. 97-81 when it was published in 1997, at which time the emergency restrictions of T.D. 91-34 (and T.D. 94-84) were removed from § 12.104g(b).

On August 18, 2002, the Assistant Secretary of Educational and Cultural Affairs, Department of State, concluded, among other things, that the cultural patrimony of Guatemala continues to be in jeopardy from pillage of irreplaceable materials representing its Pre-Columbian heritage and made the necessary determinations under 19 U.S.C. 2602(e) and 2602(a) to extend the import restrictions for a period not to exceed five years (in the Determination to Extend the MOU). The Government of the United States and the Government of the Republic of Mali exchanged diplomatic notes on September 20,