

Worth, TX 76137; telephone (817) 321-7716.

#### SUPPLEMENTARY INFORMATION:

#### History

On March 2, 2009, the FAA published in the **Federal Register** a notice of proposed rulemaking to establish Class E airspace at Rushville, NE, adding controlled airspace at Modisett Airport, Rushville, NE. (74 FR 9053, Docket No. FAA-2009-0120). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received. Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9S signed October 3, 2008, and effective October 31, 2008, which is incorporated by reference in 14 CFR Part 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

#### The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) Part 71 by establishing Class E airspace at Rushville, NE, adding controlled airspace at Modisett Airport, Rushville, NE, for the safety and management of IFR aircraft operations.

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. The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. 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 airspace necessary to ensure the safety of aircraft and the efficient use of

airspace. This regulation is within the scope of that authority as it adds controlled airspace at Modisett Airport, Rushville, NE.

#### 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, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE 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 Part 71.1 of the Federal Aviation Administration Order 7400.9S, Airspace Designations and Reporting Points, signed October 3, 2008, and effective October 31, 2008, is amended as follows:

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

\* \* \* \* \*

#### ACE NE E5 Rushville, NE [New]

Rushville, Modisett Airport, NE  
(Lat. 42°44'12" N., long. 102°26'40" W.)

That airspace extending upward from 700 feet above the surface within a 7.3-mile radius of Modisett Airport.

\* \* \* \* \*

Issued in Fort Worth, TX, on April 24, 2009.

**Roger M. Trevino,**

*Acting Manager, Operations Support Group,  
Central Service Center.*

[FR Doc. E9-10989 Filed 5-11-09; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### 19 CFR Part 361

[Docket Number: 090416682-9683-01]

#### Mexican Cement Import Licensing System

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

**ACTION:** Final rule; removal of regulations.

**SUMMARY:** The Department of Commerce is removing its Mexican Cement Import Licensing ("MCILS") regulations currently published at 19 CFR Part 361. This action is being taken pursuant to provisions of the Agreement Between the Office of the United States Trade Representative and the Department of Commerce of the United States of America and the Ministry of Economy of the United Mexican States (Secretaria de Economia) on Trade in Cement ("Cement Agreement"), signed March 6, 2006. The Cement Agreement was terminated at 11:59 p.m. on March 31, 2009. Accordingly, the MCILS will no longer be necessary.

**DATE:** *Effective Date:* May 12, 2009.

**FOR FURTHER INFORMATION CONTACT:** Sally C. Gannon, (202) 482-0162 or Judith Wey Rudman, (202) 482-0192.

**SUPPLEMENTARY INFORMATION:** On March 6, 2006, the Office of the United States Trade Representative ("USTR") and the United States Department of Commerce ("Commerce") entered into an agreement with the Secretaria de Economia of Mexico pertaining to imports of gray portland cement and clinker from Mexico ("Mexican Cement"). The Cement Agreement provided for the settlement or suspension of ongoing litigation before North American Free Trade Agreement and World Trade Organization panels challenging various antidumping duty determinations involving Mexican Cement. Pursuant to the terms of the Cement Agreement, on February 28, 2007, Import Administration ("IA") issued a rule to add new regulations implementing the MCILS. This rule required all importers of cement from Mexico covered by the scope of the Cement Agreement to obtain an import license from the Department prior to completing their U.S. Customs and Border Protection entry summary documentation. IA used the information recorded via the MCILS to monitor compliance with the Cement Agreement. The Cement Agreement also provided that if all interested parties had abided by its terms, Commerce would terminate the Cement Agreement on March 31, 2009, and would revoke the underlying antidumping duty order. All obligations of the Cement Agreement were fulfilled; therefore, Commerce has terminated the Cement Agreement, and revoked the underlying antidumping duty order through a notice entitled *Gray Portland Cement and Clinker from Mexico: Final Results of Changed-Circumstances Review*,

*Revocation of Antidumping Duty Order, and Termination of Five-Year (Sunset) Review of Antidumping Duty Order* published in the **Federal Register** on April 6, 2009 (74 FR 15435). As a result, the MCILS is no longer necessary and Commerce is removing the regulations pertaining to it. Commerce will also discontinue the associated collection-of-information authorization provided by the Office of Management and Budget under Control Number 0625-0259.

#### Classification

*Executive Order 12866:* This action has been determined to be not significant under E.O. 12866.

*Administrative Procedure Act:* The Department of Commerce finds good cause under 5 U.S.C. 553(b)(B) to waive prior notice and opportunity for public comment as it is contrary to the public interest. The regulations implementing the MCILS required all importers of cement from Mexico covered by the scope of the Cement Agreement to obtain an import license from the Department through the MCILS prior to completing their U.S. Customs and Border Protection entry summary documentation. IA used the information recorded via the MCILS to monitor compliance with the Cement Agreement. The Cement Agreement provided that if all interested parties had abided by its terms, Commerce would terminate the Cement Agreement on March 31, 2009, and would revoke the underlying antidumping duty order. All obligations of the Cement Agreement were fulfilled; therefore, Commerce terminated the Cement Agreement on the agreed upon date. Commerce also revoked the underlying antidumping duty order effective April 1, 2009. *See* 74 FR 15435. Accordingly, it is no longer necessary to collect licensing information via the MCILS, and is therefore in the public interest to discontinue regulations requiring importers to use, and for IA to maintain, the MCILS. If the Department continued to allow the operation of the MCILS, the public would be unduly burdened by the MCILS regulations. For the above reasons, the Department waives the notice and comment rulemaking requirements of 5 U.S.C. 553(b)(B) and issues this rule in final form.

The Department of Commerce finds good cause under 5 U.S.C. 553(d)(1) to waive the 30-day delay in effectiveness as this rule relieves a restriction. This rule removes the regulations requiring all importers of cement from Mexico covered by the scope of the Cement Agreement to obtain an import license from the Department prior to completing their U.S. Customs and

Border Protection entry summary documentation because it is no longer necessary to collect this information. Pursuant to the terms of the Agreement, the Department terminated the Cement Agreement on March 31, 2009, and revoked the underlying antidumping duty order effective April 1, 2009. *See* 74 FR 15435. Because it is no longer necessary to collect the information through the MCILS, the Department discontinues the MCILS, and removes the related implementing regulations through this final rule. The removal of the MCILS regulations constitutes a relief of a restriction as importers of cement from Mexico would no longer be required to obtain an import license from the Department. In order to implement this action immediately, the Department makes this rule effective upon publication.

*Regulatory Flexibility Act:* Because notice and opportunity for comment are not required pursuant to 5 U.S.C. 553 or any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) are inapplicable. Therefore, a regulatory flexibility analysis is not required and has not been prepared.

#### List of Subjects in 19 CFR Part 361

Mexican Cement Import Licensing System.

■ Accordingly, pursuant to 13 U.S.C. 301(a) and 302, and section XI of the Cement Agreement, the Department is removing 19 CFR Part 361 in its entirety.

Dated: May 4, 2009.

**Ronald K. Lorentzen,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. E9-10955 Filed 5-11-09; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 100

[Docket No. USCG-2009-0106]

RIN 1625-AA08

#### Special Local Regulation for Marine Events; Temporary Change of Dates for Recurring Marine Events in the Fifth Coast Guard District

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is temporarily changing the enforcement

period of special local regulations for recurring marine events in the Fifth Coast Guard District. These regulations apply to only five recurring marine events that conduct on-water activities such as power boat races, swimming competitions, and harbor celebrations. Special local regulations are necessary to provide for the safety of life on navigable waters during the events. This action is intended to restrict vessel traffic in portions of the Chester River, MD; Rappahannock River, VA; Elizabeth River, Southern Branch, VA; North Atlantic Ocean, Ocean City, MD; and Pasquotank River, Elizabeth, NC during each event.

**DATES:** Effective May 15, 2009, through July 12, 2009.

**ADDRESSES:** Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCG-2009-0106 and are available online by going to <http://www.regulations.gov>, selecting the Advanced Docket Search option on the right side of the screen, inserting USCG-2009-0106 in the Docket ID box, pressing Enter, and then clicking on the item in the Docket ID column. This material is also available for inspection or copying at the Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this temporary rule, call Dennis Sens, Project Manager, Fifth Coast Guard District, Prevention Division, at 757-398-6204 or e-mail at [Dennis.M.Sens@uscg.mil](mailto:Dennis.M.Sens@uscg.mil). If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

#### SUPPLEMENTARY INFORMATION:

##### Regulatory Information

On March 25, 2009, we published a notice of proposed rulemaking (NPRM) entitled Special Local Regulation for Marine Events; Temporary Change of Dates for Recurring Marine Events in the Fifth Coast Guard District in the **Federal Register** (74 FR 12769). We received no comments on the proposed rule. No public meeting was requested, and none was held.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. The necessary information regarding change of dates for these