

(1) *Outside employment or business activity* means any form of employment or business, whether or not for compensation. It includes, but is not limited to, the provision of personal services as officer, employee, agent, attorney, consultant, contractor, trustee, teacher, or speaker. It also includes, but is not limited to, engagement as principal, proprietor, general partner, holder of a franchise, operator, manager, or director. It does not include equitable ownership through the holding of publicly traded shares of a corporation.

(2) *A person having interests substantially dependent upon, or potentially affected to a significant degree by, postal rates, fees, or classifications* includes a person:

(i) Primarily engaged in the business of publishing or distributing a publication mailed at second-class rates of postage;

(ii) Primarily engaged in the business of sending advertising, promotional, or other material on behalf of other persons, through the mails;

(iii) Engaged in a business that depends substantially upon the mails for the solicitation or receipt of orders for, or the delivery of, goods or services; or

(iv) Who is, or within the past 4 years has been, a party to a proceeding before the Postal Rate Commission.

(3) *A person having interests substantially dependent upon providing goods or services to or for use in connection with the Postal Service* includes a person:

(i) Providing goods or services under contract with the Postal Service that can be expected to provide revenue exceeding \$100,000 over the term of the contract and that provides five percent or more of the person's gross income for the person's current fiscal year; or

(ii) Substantially engaged in the business of preparing items for others for mailing through the Postal Service.

§ 7001.103 Statutory prohibition against interests in contracts to carry mail and acting as agent for contractors.

Section 440 of title 18, United States Code, makes it unlawful for any Postal Service employee to become interested in any contract for carrying the mail, or to act as agent, with or without compensation, for any contractor or person offering to become a contractor in any business before the Postal Service.

Stanley F. Mires,

Chief Counsel, Legislative.

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DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 100

[INS No. 1677-94]

RIN 1115-AD84

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 122

RIN 1515-AB64

Customs/INS Field Organizations; Revocations and Designation of International Airport Status for Customs Services and Ports of Entry for Aliens Arriving by Aircraft

AGENCIES: Immigration and Naturalization Service, Justice; Customs Service, Treasury.

ACTION: Joint notice of proposed rulemaking.

SUMMARY: This document proposes to amend the Customs and Immigration and Naturalization Service (the Service) Regulations pertaining to their respective field organizations. Customs proposes to revoke the international airport designations for the Ranier International Seaplane Base located in Ranier, Minnesota, and the Eagle Pass Municipal Airport located in Eagle Pass, Texas. The Service proposes to remove Ranier, MN, and Eagle Pass, TX, from the port of entry lists for aliens arriving by vessel, land transportation, or by aircraft. This proposal is based on evidence that the facilities at these locations have deteriorated and/or the amount of business clearing through the airports does not justify continued maintenance of inspection equipment and personnel. The document also proposes to designate Maverick County Airport located in Maverick County, Texas, as a new international airport for Customs purposes and as a new port of entry for purposes of the Service. These changes will assist both agencies in their continuing efforts to achieve more efficient use of their personnel, facilities, and resources, and to provide better service to carriers, importers, and the general public.

DATES: Comments must be received on or before May 26, 1995.

ADDRESSES: Please submit written comments in triplicate to the Regulations Branch, Office of Regulations and Rulings, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, DC 20229. Comments submitted may be inspected at the

Regulations Branch, Office of Regulations and Rulings, Franklin Court, 1099 14th Street NW., Suite 4000, Washington, DC.

FOR FURTHER INFORMATION CONTACT: At Customs Service—Darlene Langum Wilder, Office of Passenger Enforcement and Facilitation, Office of Inspection and Control, (202) 927-0530; at Immigration and Naturalization Service—Andrea Sickler, Assistant Chief Inspector, Office of Inspections, Immigration and Naturalization Service, 425 I Street NW., Room 7228, Washington, DC 20536, (202) 616-7993.

SUPPLEMENTARY INFORMATION:

Background

To achieve more efficient use of their personnel, facilities, and resources, and to provide better services to carriers, importers, and the public in general, U.S. Customs and the Immigration and Naturalization Service (the Service) propose to amend their respective field organization regulations.

Customs proposes to amend § 122.13 of the Customs Regulations (19 CFR 122.13), which lists international airports, to reflect the proposed revocations of the international airport designations for (1) Ranier International Seaplane Base located in Ranier, Minnesota, in the Customs District of Duluth, Minnesota, North Central Region, and (2) Eagle Pass Municipal Airport located in Eagle Pass, Texas, in the Customs District of Laredo, Texas, Southwest Region. Customs further proposes to amend § 122.13 to reflect the proposed designation of Maverick County Airport located in Maverick County, Texas, in the Customs District of Laredo, Texas, Southwest Region, as an international airport. Revocation of the international airport designations will not result in any significant reduction in Customs services in the area, as future Minnesota transactions will be handled at either Sky Harbor Airport or Crane Lake Seaplane Base, both landing rights airports, and future Texas transactions will be handled at Maverick County Airport, also a landing rights airport, which, it is proposed, will be designated as an international airport.

The Service proposes to amend 8 CFR 100.4(c) (2) and (3), which pertain to ports of entry for aliens arriving by vessel, land transportation, or by aircraft, to reflect the removal of the same two ports of entry: (1) Ranier International Seaplane Base located in Ranier, Minnesota, in the Service District of St. Paul, Minnesota, and (2) Eagle Pass Municipal Airport located in Eagle Pass, Texas, in the Service District

of San Antonio, Texas. The Service further proposes to amend its regulations by adding Maverick County Airport to the list of ports of entry authorized for the processing of aliens arriving by vessel, land transportation, or by aircraft. Withdrawal of the port of entry designations will not result in any significant reduction in Immigration services in the area, as future Minnesota transactions will be handled at either Sky Harbor Airport or Crane Lake Seaplane Base, both landing rights airports, and future Texas transactions will be handled at Maverick County Airport, also a landing rights airport, which, it is proposed, will be designated as a port of entry.

Customs Position

The criteria used by Customs in determining whether to withdraw the designation of an international airport from a facility previously designated as such are found at § 122.11(b) of the Customs Regulations, which provides that the designation can be withdrawn for any of the following reasons: (1) The amount of business clearing through the airport does not justify maintenance of inspection equipment and personnel; (2) proper facilities are not provided or maintained by the airport; (3) the rules and regulations of the Federal Government are not followed; or, (4) some other location would be more useful. In the case of Ranier International Seaplane Base, the conditions specified at § 122.11(b)(1) and (2) are present. In the case of Eagle Pass Municipal Airport, the conditions specified at § 122.11(b)(2) and (4) are present.

Regarding the proposed revocation of the international airport designation for Ranier International Seaplane Base, this action originated as a request from the owner of the seaplane base: The Camping and Education Foundation/Camp Kooch-i-ching. The President/Director of the Foundation requested that Ranier's designation as an international airport port of entry be changed so that the facility would no longer be used as a landing base for seaplanes. With regard to the above criteria, the President/Director stated that the facility is used only as a landbase for a boys' camp. The district director at Duluth has verified that Ranier's designation as an international airport should be withdrawn because (1) the services offered to aircraft operators has declined, (2) the number of seaplanes requesting Customs clearance is minimal—only 67 seaplanes arrived in 1993, and (3) the facilities have deteriorated and can no longer safely accommodate aircraft. The Regional

Commissioner for the North Central Region agrees with the request and the district's findings.

Regarding the proposed revocation of the international airport designation for the Eagle Pass Municipal Airport and designation of Maverick County Airport as the replacement international airport, this action originated as a request from the Honorable Enriqueta D. Carpenter, Maverick County Judge, who advised that the existing airport is extremely limited and will be closed when the new airport facility is completed in the next year. Customs believes that the Maverick facility should be given the same status as the Eagle Pass facility once the latter is closed. The workload will remain the same and staffing should not be affected.

An "international airport" is defined at § 122.1(e) of the Customs Regulations (19 CFR 122.1(e)), in part, as any airport designated by (1) the Secretary of the Treasury or the Commissioner of Customs as a port of entry for aircraft, (2) the Attorney General as a port of entry for aliens, and, (3) the Secretary of Health and Human Services as a place for quarantine inspection. (It is noted that the term "port of entry" in this section applies only for arrival purposes in the contexts specified and, thus, does not have the same meaning or legal effect as the broader term "port of entry" used for Customs organizational purposes in part 101.) The new international airport will be within an already established port of entry—Eagle Pass, see, T.D. 91-93 (56 FR 57487).

Description of International Airport Limits

The geographical limits of the proposed international airport called Maverick County Airport would be as follows:

In Maverick County, Texas, approximately 12 miles north of the corporate limits of the city of Eagle Pass and east of U.S. Highway 277 is a site commonly known as the "Radar Base" Airfield that encompasses a total of 640 acres; this site is designated by a sign marked "Eagle Pass Airport," which is located at the intersection of U.S. Highway 277 and an undesignated (no name or number) paved road.

Immigration and Naturalization Services's Position

The criteria used by the Service in determining whether to remove a facility previously designated as a port of entry for the processing of aliens arriving by vessel, land transportation, or by aircraft are found at 8 CFR 100.4(c) (2) and (3), which provide, in part, that the designation of ports of entry may be

withdrawn whenever, in the judgment of the Commissioner, such action is warranted.

In the case of Ranier International Seaplane Base and Eagle Pass Municipal Airport, the Commissioner has reviewed information presented by parties requesting termination of their port of entry designations. Ranier International Seaplane Base is owned by the Camping and Education Foundation/Camp Kooch-i-ching. The Foundation's President/Director stated that the base is used only as a landbase to transport supplies and people to a boys' camp and requested that the facility no longer be used as a landing base for seaplanes due to concern for the safety of camp visitors and personnel.

Eagle Pass Municipal Airport services and is owned by Maverick County, Texas. The County Judge of Maverick requested that Eagle Pass Municipal Airport's designation as a port of entry be revoked due to facility constraints and the fact that it will be closed upon completion of the new Maverick County Airport. The Commissioner believes that the withdrawal of the port of entry designations for both Ranier International Seaplane Base and Eagle Pass Municipal Airport is warranted, and that the designation of Maverick County Airport as a Class A port of entry is also warranted.

Concurrence of Other Federal Inspection Service Agencies

Other agencies having a presence at the Ranier and Eagle Pass facilities (the Department of Health and Human Services and the Animal and Plant Health Inspection Service of the Department of Agriculture) have been contacted regarding these matters and support the proposed actions.

Accordingly, Customs believes that there is sufficient justification for revoking the international airport designations from Ranier International Seaplane Base and Eagle Pass Municipal Airport, and for designating Maverick County Airport as an international airport; the Service believes it also has sufficient justification for amending its regulations at 8 CFR part 100 to reflect current airport listings serving as designated ports of entry.

Proposed Amendments

If the proposed revocations of international airport designations and designation of international airport are adopted, the Customs list of international airports at § 122.13 will be amended by removing Ranier International Seaplane Base and Eagle Pass Municipal Airport and adding Maverick County Airport, and the

Service regulations at 8 CFR 100.4(c) (2) and (3) will be amended by removing Ranier, MN, and Eagle Pass, TX, and adding Maverick County Airport.

Comments

Before adopting this proposal as a final rule, consideration will be given to any written comments timely submitted to Customs. (Customs will serve as the clearing house for comments received and coordinate a response with the Service.) Comments submitted will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), § 1.4 of the Treasury Department Regulations (31 CFR 1.4), and § 103.11(b) of the Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9 a.m. and 4:30 p.m. at the Regulations Branch, Office of Regulations and Rulings, U.S. Customs Service, Franklin Court, 4th floor, 1099 14th St., NW, Washington, DC.

Authority

This change is proposed under the authority of 5 U.S.C. 301, 8 U.S.C. 1103, and 19 U.S.C. 2, 66, and 1624.

Inapplicability of the Regulatory Flexibility Act and Executive Orders 12866, 12612, and 12606

Customs and the Service routinely establish, expand, and consolidate ports of entry throughout the United States to accommodate the volume of Customs- and Service-related activity in various parts of the country. Although this document is being issued with notice for public comment, it is not subject to the notice and public procedure requirements of 5 U.S.C. 553 because it relates to agency management and organization. Accordingly, this document is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

This document does not meet the criteria for a "significant regulatory action" as specified in E.O. 12866.

In accordance with the provisions of E.O. 12612, it is certified that the regulations proposed herein have been assessed in light of the principles, criteria, and requirements specified in that E.O. and that they will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, the preparation of a Federalism Assessment is not warranted.

In accordance with the provisions of E.O. 12606, the Commissioners of the Customs and the Immigration and

Naturalization Services certify that they have assessed these proposed amendments in light of the criteria set forth in that E.O., and determined that the regulations proposed herein will not have a significant impact on family formation, maintenance, and general well-being.

Drafting Information

The principal author of this document was Gregory R. Vilders, Attorney, Office of Regulations and Rulings, U.S. Customs Service; however, personnel from other offices and agencies participated in its development.

List of Subjects

8 CFR Part 100

Administrative practice and procedure, Organizations and functions (Government agencies).

19 CFR Part 122

Administrative practice and procedure, Air carriers, Aircraft, Airports, Air transportation, Baggage, Customs duties and inspection, Drug traffic control, Imports, Reporting and recordkeeping requirements.

Amendments to the Regulations

For the reasons stated above, it is proposed to amend Part 100 of Chapter I of title 8 of the Code of Federal Regulations and Part 122 of Chapter I of title 19 of the Code of Federal Regulations as set forth below:

TITLE 8—ALIENS AND NATIONALITY

PART 100—STATEMENT OF ORGANIZATION

1. The general authority citation for part 100 continues to read as follows:

Authority: 8 U.S.C. 1103; 8 CFR part 2.

2. In § 100.4, it is proposed to amend paragraph (c)(2) by:

a. Removing "Ranier, MN" from the Class A listing under District No. 10—St. Paul, Minnesota;

b. Removing "Eagle Pass, TX" from the Class A listing under District No. 14—San Antonio, Texas; and

c. Adding, in proper alphabetical sequence, "Maverick, TX" to the Class A listing under District No. 14—San Antonio, Texas.

3. In § 100.4, it is proposed to amend paragraph (c)(3) by:

a. Removing "Ranier, MN, International Seaplane Base" from the listing under District No. 10—St. Paul, Minnesota;

b. Removing "Eagle Pass, TX, Eagle Pass Airport" from the listing under District No. 14—San Antonio, Texas; and

c. Adding, in proper alphabetical sequence, "Maverick, TX, Maverick County Airport" to the Class A listing under District No. 14—San Antonio, Texas.

TITLE 19—CUSTOMS DUTIES

PART 122—AIR COMMERCE REGULATIONS

1. The authority citation for Part 122 continues to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 58b, 66, 1433, 1436, 1459, 1590, 1594, 1623, 1624, 1644.; 49 U.S.C.App. 1509.

2. In § 122.13, it is proposed to amend the list of international airports by removing "Eagle Pass, Tex.—Eagle Pass Municipal Airport" and "Ranier, Minn.—Ranier International Seaplane Base" and adding, in appropriate alphabetical order, "Maverick, Tex.—Maverick County Airport".

George J. Weise,

Commissioner of Customs.

Approved: February 23, 1995.

Dennis M. O'Connell,

Acting Deputy Assistant Secretary of the Treasury.

Dated: January 30, 1995.

Doris Meissner,

Commissioner of Immigration and Naturalization Service.

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DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Parts 4, 10, 11, and 18

Office of the Secretary

31 CFR Part 1

[Docket No. 95-06]

RIN 1557-AA67

Description of Office, Availability and Release of Information, Contracting Outreach Program; Municipal Securities Dealers; Securities Exchange Act Disclosure Rules; Disclosure of Financial and Other Information by National Banks; Disclosure of Records

AGENCY: Office of the Comptroller of the Currency and Office of the Secretary, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Office of the Comptroller of the Currency (OCC) proposes to revise its rules that describe the agency