

### Regulatory Provisions Affected

During the GATE test, participants will be provided with a telephonic entry number in lieu of normal inspection requirements. Accordingly, the normal arrival reporting and landing requirements of Part 122 of the Customs Regulations (19 CFR Part 122) will not be followed. However, participants will still be subject to civil and criminal penalties and sanctions for any violations of U.S. Customs laws.

### II. Eligibility Criteria

#### A. Aircraft and Airports of Entry

Only U.S.- and Canadian-registered general aviation aircraft that will arrive in the United States directly from Canada are eligible to participate in the GATE test. For purposes of this test, the term "general aviation aircraft" means aircraft comprising private and corporate aircraft, and air ambulances returning to the U.S. with crew members only, that have a seating capacity of fifteen or fewer passengers.

Aircraft transiting Canada are not eligible for this test. Further, aircraft that will carry cargo, merchandise requiring the payment of Customs duties, restricted or prohibited food products or other articles, or monetary instruments in excess of \$10,000, will not qualify for this test.

Qualified flights selected to participate in the GATE test will be allowed to land at most airports of entry located within a reasonable commuting distance of a port serviced by Customs, provided that the approving port director has designated the airport for GATE test use. Most municipally-owned airports and other airports located outside a particular port's limits may be selected for landing under the GATE test. The port director approving the application for GATE participation will designate, on a case-by-case basis, which airports of entry may be used for landing. Factors that will be considered include:

- Willingness of an airport operator to participate in the GATE test;
- The distance to the airport from the nearest Customs port, commuting time required for Customs officers, and Customs officer safety;
- Whether a secure place to work is provided at the airport; and
- Whether communications equipment is accessible.

#### B. Persons

Participation in the GATE test is voluntary. Only U.S. citizens, permanent resident aliens of the United States, Canadian citizens, or landed immigrants in Canada from

Commonwealth countries, and who are regular passengers or flight crews of pre-registered flights, will be considered for this test. Each applicant should have had (during the past year) a "face to face" inspection by either a U.S. Immigration or Customs officer, which clearly demonstrates the person's right to legally enter the United States, and must agree to carry all necessary personal identification and immigration documents. Persons who have not had a "face to face" inspection during the past year may, nonetheless, meet this requirement by reporting to the nearest Customs office with proof of citizenship.

Persons with evidence of a pending or past investigation which establishes illegal or dishonest conduct, persons involved in a violation of Customs laws (civil, narcotic violations, smuggling), and persons found to be inadmissible under the Immigration laws of the United States are not eligible for this test.

Participation in this test will not constitute confidential information, and lists of participants will be made available to the public upon written request.

### III. Test Application Procedure

General aviation aircraft owners, operators, and pilots who wish to have their passenger-carrying flights considered for participation in the GATE test should contact the Customs office nearest the airport where they normally land for Customs inspection after the effective date for this notice specified above, to request an application for General Aviation Telephonic Entry Program form (Customs Form 442). Applications must be filed with Customs 45 days prior to the date of the scheduled flight in order to be considered for participation in the GATE test.

#### Selection Standards

Flights will be approved/denied for the GATE test based on whether the personnel/aircraft information provided on the CF 442 by an applicant meets all the above eligibility criteria. The local port office will determine the qualifications of all passengers/pilots/aircraft, and a letter approving or denying the test application will be sent to the applicant. Aircraft owners/operators must agree not to allow their general aviation aircraft to carry passengers who are not listed and approved on the application. (To allow for the proper accounting of last-minute personnel changes to an application already on file with Customs, an Application Addendum form must be

completed and sent to the port where the original application was submitted). Further, aircraft owners/operators must agree not to allow persons to carry dutiable/commercial merchandise, restricted or prohibited food products or other articles, or monetary instruments of \$10,000 or more on test flights.

If an application is denied for any reason other than by reason of a request by the applicant to land at a particular airport (for example, a denial based on information concerning passengers, pilots, or the aircraft), the applicant may appeal the decision to the port director within 10 working days from receipt of the denial letter. If the appeal to the port director results in another denial, then the applicant may appeal directly to the Passenger Process Owner at Customs' Headquarters within 10 working days from receipt of the second denial letter.

### IV. Test Evaluation Criteria

Customs will review all public comments received concerning any aspect of the test program or procedures, finalize procedures in light of those comments, form problem-solving teams, and establish baseline measures and evaluation methods and criteria. Approximately 120 days after conclusion of the test, evaluations of the test will be conducted and final results will be made available to the public upon request.

Dated: August 29, 1996.  
 Samuel H. Banks,  
*Assistant Commissioner, Office of Field Operations.*  
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## DEPARTMENT OF VETERANS AFFAIRS

### Advisory Committee on Prosthetics and Special-Disabilities Programs; Notice of Charter Renewal

This gives notice under the Federal Advisory Committee Act (Public Law 92-463) of October 6, 1972, that the Department of Veterans Affairs' Advisory Committee on Prosthetics and Special-Disabilities Programs has been renewed for a 2-year period beginning August 16, 1996, through August 16, 1998.

Dated: August 22, 1996.  
 By direction of the Secretary.  
 Eugene A. Brickhouse,  
*Committee Management Officer.*  
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