

Public Affairs, Attention: Public Inquiry Center, APA-230, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-3484.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish Class E airspace at Gettysburg, SD; this proposal would provide adequate Class E airspace for operators executing the GPS Runway 31 SIAP at Gettysburg Municipal Airport. Controlled airspace extending upward from 700 to 1200 feet AGL is needed to contain aircraft executing the approach. The intended affect of this action is to provide segregation of aircraft using instrument approach procedures in instrument conditions from other aircraft operating in visual weather conditions. The area would be depicted on appropriate aeronautical charts thereby enabling pilots to circumnavigate the area or otherwise comply with IFR procedures. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9C dated August 17, 1995, and effective September 16, 1995, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore this, proposed 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 proposed rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) as follows:

PART 71—[AMENDED]

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; 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9C, Airspace Designations and Reporting Points, dated August 17, 1995, and effective September 16, 1995, is amended as follows:

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

* * * * *

AGL SD E5 Gettysburg, SD [New]
Gettysburg Municipal Airport, SD
(Lat. 44°59'16"N, long. 99°57'11"W)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of the Gettysburg Municipal Airport and within 4 miles each side of the 323 course extending from the 6.4-mile radius to 10 miles southeast and that airspace extending upward from 1,200 feet above the surface bounded on the west by V-71, on the north by V-344, on the east by V-561, and on the south by the 30.5-mile arc of the Pierre VORTAC, and that airspace east of Gettysburg Municipal Airport bounded on the west by V-561, on the north by latitude 450000N, on the east by longitude 993000W, and thence south to V-263, and thence southeast to the 30.5-mile arc of the Pierre VORTAC.

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Issued in Des Plaines, Illinois on August 20, 1996.
Maureen Woods,
Manager, Air Traffic Division.
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DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 103

RIN 1515-AB89

Electronic Request for Confidential Treatment of Export Manifest Data

AGENCY: Customs Service, Treasury.
ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes to amend the Customs Regulations concerning export manifest data to enable shippers to request confidential treatment of their name and address information on the Automated Export System (AES). The changes proposed will also provide for the availability of AES export manifest data on magnetic tapes.

DATES: Comments must be received on or before November 12, 1996.

ADDRESSES: Written comments (preferably in triplicate) may be addressed to the Regulations Branch, Office of Regulations and Rulings, U.S. Customs Service, Franklin Court, 1301 Constitution Avenue, NW, Washington, DC 20229. Comments submitted may be inspected at the Regulations Branch, Office of Regulations and Rulings, U.S. Customs Service, Franklin Court, 1099 14th St., NW, suite 4000, Washington, DC.

FOR FURTHER INFORMATION CONTACT: AES Team, Office of Information and Technology, (202) 927-0280. If you have a fax machine, phone (202) 927-3555 to receive a menu of AES topics on which specific information is available via fax.

SUPPLEMENTARY INFORMATION:

Background

The filing and public disclosure requirements applicable to vessel inward manifests are contained at Section 431 of the Tariff Act of 1930, as amended (19 U.S.C. 1431). While the filing requirements applicable to vessel outward manifests are contained at Section 4197 of the Revised Statutes of the United States, as amended (46 U.S.C. App. 91), the public disclosure requirements applicable to such manifests are contained at Section 431 of the Tariff Act of 1930, as amended (19 U.S.C. 1431). (It is noted regarding the filing of manifest information that while the Secretary of Commerce, pursuant to 13 U.S.C. 301, is required to collect information from all persons engaged in foreign commerce or trade, it is Customs that collects the actual manifest information, see 13 U.S.C. 303.) Regarding the public disclosure of

manifest data, Section 431(c) provides that the information to be made available shall include the name and address of each importer or consignee and the name and address of the shipper to such importer or consignee, unless the importer or consignee has made a biennial certification—in writing—to the Disclosure Law Officer, Headquarters, U.S. Customs Service, claiming confidential treatment of such information.

The Customs Regulations implementing the public disclosure of manifest information requirements are found at § 103.31(c) (19 CFR 103.31(c)) (formerly § 103.14(c), but redenominated May 3, 1996, in T.D. 96-36 (61 FR 19838)); the confidentiality provisions are found at § 103.31(d) (19 CFR 103.31(d)). Section 103.31 was last amended in 1992 by T.D. 92-92 (57 FR 44089), to make inbound manifest data acquired from the Automated Manifest System (AMS) available to the public on magnetic tapes.

On February 24, 1994, the Commissioner of Customs directed Customs to develop an Automated Export System (AES) in cooperation with the Bureau of the Census. The AES was implemented on an initial and voluntary basis on July 3, 1995, at five ports: Charleston, SC, Baltimore, MD, Houston, TX, Norfolk, VA, and Los Angeles-Long Beach, CA. At this time all exporters, forwarders, and carriers transmitting information into AES are still required to file paper Shippers Export Declarations and outward manifests as required by existing regulations. See, 19 CFR 4.63.

Changes in procedures are planned that will allow approved participants in AES to meet these requirements solely through the electronic filing of information into AES.

AES was designed to create, to the maximum extent possible, a paperless environment in export reporting. It is anticipated that this will result in significant private-sector savings by reducing the need for document preparation, routing, and submission.

Further, AES was designed and developed with the input and advice of affected private-sector parties. Because much of the manifest data will be made available to the news media and public, several requests were made that AES be programmed to accommodate an on-line request for confidential treatment of the shipper's name and address data on outward manifests. Such a procedure, if implemented, would provide cost savings and efficiencies similar to those described above and encourage greater utilization of the AES.

Accordingly, this document proposes to amend the Customs Regulations at §§ 103.31(d)(2) and (e) (1) and (3). Section 103.31(d)(2) will be revised to provide that those shippers that use the AES may request confidential treatment of their name and address information via the AES, as an alternative to the written certification procedures delineated at § 103.31(d)(1). Electronic requests for confidential treatment via AES will be treated in the identical manner as a request in writing. Section 103.31(e)(1) will be revised to provide that outward manifest data acquired from the AES is available to the public on magnetic tape and § 103.31(e)(3) will be revised to list the 11 data elements (two elements for which confidentiality may be requested) that will be provided to the public.

Comments

Before adopting this proposal as a final rule, consideration will be given to any written comments timely submitted to Customs. 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, U.S. Customs Service, Franklin Court, 1099 14th St., NW, Suite 4000, Washington, D.C.

The Regulatory Flexibility Act and Executive Order 12866

Pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) and based upon the information set forth above, it is certified that the proposed amendments, if adopted, will not have a significant impact on a substantial number of small entities. Accordingly, the proposal is not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604. This document does not meet the criteria for a "significant regulatory action" as specified in E.O. 12866.

List of Subjects in 19 CFR Part 103

Administrative practice and procedure, Confidential business information, Exports, Reporting and recordkeeping requirements.

Proposed Amendment to the Regulations

For the reasons stated above, it is proposed to amend part 103 of the Customs Regulations (19 CFR part 103) as set forth below:

PART 103—AVAILABILITY OF INFORMATION

1. The general authority citation for part 103 continues to read, and a specific authority citation for § 103.31 is added to read, as follows:

Authority: 5 U.S.C. 301, 552; 552a; 19 U.S.C. 66, 1624; 31 U.S.C. 9701.

Section 103.31 also issued under 19 U.S.C. 1431 and 46 U.S.C. App. 91;

* * * * *

2. In § 103.31, paragraph (d)(2); the first sentence of paragraph (e)(1); and paragraph (e)(3) are revised to read as follows:

§ 103.31 Information on vessel manifests and summary statistical reports.

* * * * *

(d) *Confidential treatment*—
 (2) *Outward manifest*. A shipper, authorized employee, official, or authorized agent of the shipper may request confidential treatment of its name and address contained in outward manifests by following the written certification procedures provided in paragraphs (d)(1)(ii)–(iv) of this section or, if authorized to transmit information on the Automated Export System (AES), by submitting a certification request on-line in that system. In the latter situation, the format and routing of such request will be as designated in the AES Users Guide.

* * * * *

(e) *Availability of manifest data on magnetic tapes*.

(1) *Availability*. Inward manifest data acquired from the Automated Manifest System (AMS) and outward manifest data acquired from the Automated Export System (AES) are available to interested members of the public on magnetic tape. * * *

* * * * *

(3) *Data elements*. The following are the data elements from the designated manifest (AMS/AES) which will be provided to the public via magnetic tape:

- (i) *AMS manifest*:
 - (A) Carrier code;
 - (B) Vessel country code;
 - (C) Vessel name;
 - (D) Voyage number;
 - (E) Port of unloading;
 - (F) Estimated date of arrival;
 - (G) Bill of lading number;
 - (H) Foreign port of lading;
 - (I) Manifest quantity;
 - (J) Manifest units;
 - (K) Weight;
 - (L) Weight unit;
 - (M) Shipper's name¹;
 - (N) Shipper's address¹;
 - (O) Consignee's address¹;

- (Q) Notifying party's name ¹;
- (R) Notifying party's address ¹;
- (S) Piece count;
- (T) General description of goods;
- (U) Container number(s); and
- (V). Seal number(s).
- (ii) *AES manifest*:
- (A) Carrier code;
- (B) Vessel country code;
- (C) Vessel name;
- (D) Voyage number;
- (E) Port of lading;
- (F) Foreign port of unloading;
- (G) Manifest quantity;
- (H) Manifest units;
- (I) General description of goods;
- (J) Shipper's name ¹; and
- (K) Shipper's address ¹.

Michael H. Lane,

Acting Commissioner of Customs.

Approved: June 5, 1996.

John P. Simpson,

Deputy Assistant Secretary of the Treasury.

[FR Doc. 96-23360 Filed 9-11-96; 8:45 am]

BILLING CODE 4820-02-M

19 CFR Part 123

RIN 1515-AB90

Port Passenger Acceleration Service System (PORTPASS) Program

AGENCY: Customs Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes to amend the Customs Regulations to reference certain Immigration and Naturalization Service (INS) Regulations that provide for land-border inspection programs jointly developed with Customs. These land-border inspection programs—collectively known as Port Passenger Acceleration Service System (PORTPASS)—are designed to facilitate the processing of certain identified, pre-registered, low-risk travelers along the United States border who frequently cross at certain areas by exempting them from normal report of arrival and presentation for inspection requirements, while still safeguarding the integrity of the United States land border. Participation in PORTPASS is voluntary and annual application fees are charged by the INS.

DATES: Comments must be received on or before November 12, 1996.

ADDRESSES: Written comments (preferably in triplicate) may be addressed to the Regulations Branch, Office of Regulations and Rulings, U.S. Customs Service, Franklin Court, 1301 Constitution Avenue, NW, Washington, D.C. 20229. Comments submitted may be inspected at the Regulations Branch, Office of Regulations and Rulings, U.S.

Customs Service, Franklin Court, 1099 14th St., NW, Suite 4000, Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Joseph O'Gorman, Office of Field Operations, Passenger Operations Division, (202) 927-0543.

SUPPLEMENTARY INFORMATION:

Background

Reporting and Inspection Requirements

Except as otherwise authorized by the Secretary, all individuals arriving in the United States are required to (1) Enter only at designated border crossing points, (2) immediately report their arrival to Customs (and other Federal inspection agencies, such as the Immigration and Naturalization Service (INS), that have reporting requirements), and (3) present themselves and their vehicle, and all persons and merchandise (including baggage) on board, for inspection, and may not depart from the designated customs border crossing point until authorized to do so. 19 U.S.C. 1433 and 1459. Failure to report such arrival and make such presentation for inspection may result in the individual being liable for certain civil and criminal penalties, as provided under 19 U.S.C. 1459, in addition to other penalties applicable under other provisions of law, see, 19 U.S.C. 1436 and 1497. Customs reporting and inspection requirements applicable to individuals entering the U.S. at land border crossings are delineated at § 123.1, Customs Regulations (19 CFR 123.1).

Low-Risk Border-Crossing Facilitating Programs

At certain remote locations along the U.S. land border, these reporting and inspection requirements often burden low-risk local residents needing to cross the international border by requiring them to travel to a land border crossing which may be located a considerable distance away. Further, the hours of the most convenient land-border crossing may be limited to 8 hours during the day. To facilitate the entry processing of such low-risk travelers, Customs and the Immigration and Naturalization Service (INS) have developed certain technologically-innovative land-border inspection programs, collectively known as the Port Passenger Accelerated Service System (PORTPASS). (See INS document at 60 FR 50386, September 29, 1995, implementing land border facilitating programs, codified at 8 CFR 235.13). Two land border entry facilitation programs have been developed thus far under the PORTPASS: One concerns

travellers that enter the U.S. through designated lanes at busy Port of Entry (POE) crossings (the Dedicated Commuter Lane (DCL) program); the other concerns local residents who enter the U.S. at remote land border crossings (the Automated Permit Port (APP) program).

The Dedicated Commuter Lane Program

The DCL program is designed to expedite the entry of low-risk travelers in privately-owned vehicles through a staffed POE by use of dedicated express lanes, without inhibiting Customs mandate to enforce the customs laws of the U.S. and those laws enforced or administered by Customs, including the prevention of illegal entry of both aliens and controlled substances into the U.S. The DCL program was implemented as a pilot program in 1991 at the Peace Arch crossing in Blaine, Washington. See, 8 CFR 286.8. Program specifics and eligibility requirements for participation in the DCL program are delineated at § 235.13 of the INS Regulations (8 CFR 235.13).

The Automated Permit Port Program

The APP program is designed to facilitate border crossings in remote areas by local residents identified as low-risk who are pre-authorized to enter the U.S. at designated APPs during periods when the port is closed, i.e., unstaffed by Customs and INS personnel, while still safeguarding the integrity of the U.S. border through the use of automated technology. Although it is anticipated that APPs may be established wherever there exists identifiable groups of low-risk local residents along the U.S. border, at present the first of these APPs are expected to be established at Scobey, Montana, and at Forest City and Orient, Maine. For program specifics and eligibility requirements for participation in the APP program, again see § 235.13 of the INS Regulations.

Although it is only proposed in this document to amend § 123.1 of the Customs Regulations (19 CFR 123.1) to reference §§ 235.13 and 286.8 of the INS regulations (8 CFR 235.13 and 286.8), which provide for the PORTPASS program, a general description of the PORTPASS program requirements follows.

PORTPASS Requirements in General

(1) *Eligibility.* Participation in PORTPASS is voluntary. Currently, applicants must be either citizens of the U.S., legal permanent residents of the U.S., citizens of Canada, landed immigrants of Canada who are citizens of the Commonwealth countries, or