

The ports of Seattle (Section 35, Township 27 North, Range 3 East, West Meridian, County of Snohomish, and the geographical area beginning at the intersection of N.W. 205th Street and the waters of Puget Sound, proceeding in an easterly direction along the King County line to its intersection with 100th Avenue N.E., thence southerly along 100th Avenue N.E. and its continuation to the intersection of 100th Avenue S.E. and S.E. 240th Street, thence westerly along S.E. 240th Street, to its intersection with North Central Avenue, thence southerly along North Central Avenue, its continuation as South Central Avenue and 83rd Avenue South and its connection to Auburn Way North, thence southerly along Auburn Way North and its continuation as Auburn Way South to its intersection with State Highway 18, thence westerly along Highway 18 to its intersection with A Street S.E., then southerly along A Street S.E. to its intersection with the King County Line, then westerly along the King County Line to its intersection with the waters of Puget Sound and then northerly along the shores of Puget Sound to its intersection with N.W. 205th Street, the point of beginning, all within the County of King, State of Washington), Anacortes, Bellingham, Everett, Friday Harbor, Neah Bay, Olympia, Port Angeles, Port Townsend, and the territory in Tacoma, beginning at the intersection of the westernmost city limits of Steilacoom and The Narrows and proceeding easterly along Main Street to the intersection of Stevens Street, then southerly along Stevens Street to the intersection of Washington Boulevard, then easterly along Washington Boulevard to the intersection of Gravelly Lake Drive S.W., then southeasterly to the intersection of Nyanza Road, SW, then southerly to its intersection with Pacific Highway (U.S. Route 99), then proceeding in a northeasterly direction along Pacific Highway to its intersection with 112 Street East and continuing in an easterly direction along 112 Street East to its intersection with the northwest corner of McChord Air Force Base, then proceeding along the northern, then western, then southern boundary of McChord Air Force Base to its intersection, just west of Lake Mondress, with the northern boundary of the Fort Lewis Military Reservation, then proceeding in an easterly direction along the northern boundary of the Fort Lewis Military Reservation to its intersection with Pacific Avenue (SR-7), then proceeding in a southerly direction along Pacific Avenue (SR-7) to its intersection with SR-507, then

proceeding in a southeasterly direction along SR-7 to its intersection with 224th Street East, then proceeding in an easterly direction along 224th Street East to its intersection with Meridian Street South (SR-161), then proceeding in a northerly direction along Meridian Street South (SR-161) to the intersection with 176 Street East, then easterly along 176 Street East extended to the intersection with Sunrise Parkway East, then northwesterly along Sunrise Parkway East to the intersection with 122nd Avenue East, then northerly to the intersection with Old Military Road East, then northeasterly to the intersection with SR-162, then northerly along SR-162 to the intersection with SR-410, then easterly along SR-410 to the intersection with 166th Avenue East, then northerly to the intersection with Sumner-Tapps Highway, continuing northeasterly along Sumner-Tapps Highway to 16th Street East, then easterly to 182 Avenue East, then northerly to the northern boundary of Pierce County, then proceeding in a westerly direction along the northern boundary of Pierce County to its intersection with Puget Sound, then proceeding in a generally southwesterly direction along the banks of the East Passage of Puget Sound, Commencement Bay, and The Narrows to the point of intersection with the westernmost city limits of Steilacoom, Washington, including all points and places on the southern boundary of the Juan de Fuca Strait from the eastern port limits of Neah Bay to the western port limits of Port Townsend, all points and places on the western boundary of Puget Sound, including Hood Canal, from the port limits of Port Townsend to the northern port limits of Olympia, all points and places on the southern boundary of Puget Sound from the port limits of Olympia to the western port limits of Tacoma, and all points and places on the eastern boundary of Puget Sound and contiguous waters from the port limits of Tacoma north to the southern port limits of Bellingham, all in the State of Washington.

Authority

This change is being made under the authority of 5 U.S.C. 301 and 19 U.S.C. 2, 66 and 1624.

Regulatory Flexibility Act and Executive Order 12866

Customs establishes, expands and consolidates Customs ports of entry throughout the United States to accommodate the volume of Customs-related activity in various parts of the country. Although a notice was issued for public comment on this subject

matter, because this document relates to agency management and organization, it is not subject to the notice and procedure requirements of 5 U.S.C. 553. Accordingly, this document is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Agency organization matters such as this port extension are not subject to Executive Order 12866.

Drafting Information

The principal author of this document was Janet L. Johnson, Regulations Branch. However, personnel from other offices participated in its development.

List of Subjects in 19 CFR Part 101

Customs duties and inspection, Exports, Imports, Organization and functions (Government agencies).

Amendment to the Regulations

For the reasons set forth above, part 101 of the Customs Regulations is amended as set forth below.

PART 101—GENERAL PROVISIONS

1. The general authority citation for part 101 and the specific authority citation for § 101.3 continue to read as follows:

Authority: 5 U.S.C. 301, 19 U.S.C. 2, 66, 1202 (General Note 20, Harmonized Tariff Schedule of the United States), 1623, 1624, 1646a. Sections 101.3 and 101.4 also issued under 19 U.S.C. 1 and 58b.

* * * * *

§ 101.3 [Amended]

2. In the list of ports in § 101.3(b)(1), under the state of Washington, the "Limits of port" column adjacent to "Puget Sound" in the "Ports of entry" column is amended by removing the reference "T.D. 96-63" and adding in its place "T.D. 00-35".

Raymond W. Kelly,

Commissioner of Customs.

Approved: March 30, 2000.

John P. Simpson,

Deputy Assistant Secretary of the Treasury.

[FR Doc. 00-12365 Filed 5-16-00; 8:45 am]

BILLING CODE 4820-02-P

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 122

[T.D. 00-34]

Revised List of User Fee Airports

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations by revising the list of user fee airports. User fee airports are those which, while not qualifying for designation as international or landing rights airports because of insufficient volume or value of business, have been approved by the Commissioner of Customs to receive the services of Customs officers on a fee basis for the processing of aircraft entering the United States and their passengers and cargo.

EFFECTIVE DATE: May 17, 2000.

FOR FURTHER INFORMATION CONTACT:

Betsy Passuth, Office of Field Operations, 202-927-0795.

SUPPLEMENTARY INFORMATION:

Background

Part 122, Customs Regulations (19 CFR part 122), sets forth regulations relating to the entry and clearance of aircraft in international commerce and the transportation of persons and cargo by aircraft in international commerce.

Under § 1644a, Title 19, United States Code (19 U.S.C.1644a), the Secretary of the Treasury is authorized to designate places in the United States as ports of entry for civil aircraft arriving from any place outside of the United States, and for merchandise carried on the aircraft. These airports are referred to as international airports, and the location and name of each are listed in § 122.13, Customs Regulations (19 CFR 122.13). In accordance with § 122.33, Customs Regulations (19 CFR 122.33), the first landing of every civil aircraft entering the United States from a foreign area must be at one of these international airports, unless the aircraft has been specifically exempted from this requirement or permission to land elsewhere has been granted. Customs officers are assigned to all international airports to accept entries of merchandise, collect duties and enforce the customs laws and regulations.

Other than making an emergency or forced landing, if a civil aircraft desires to land at an airport not designated by Customs as an international airport, the pilot may request permission to land at a specific airport and, if granted, Customs assigns personnel to that airport for the aircraft. The airport where the aircraft is permitted to land is called a landing rights airport (19 CFR 122.24).

Section 236 of Pub. L. 98-573 (the Trade and Tariff Act of 1984), codified at 19 United States Code 58b (19 U.S.C. 58b), creates an option for civil aircraft desiring to land at an airport other than an international or landing rights airport. A civil aircraft arriving from a

place outside the United States may ask Customs for permission to land at an airport designated by the Secretary of the Treasury as a user fee airport.

Pursuant to 19 U.S.C. 58b, an airport may be designated as a user fee airport if the Secretary of the Treasury determines that the volume of Customs business at the airport is insufficient to justify the availability of Customs services at the airport and the governor of the State in which the airport is located approves the designation. Generally, the type of airport that would seek designation as a user fee airport would be one at which a company, such as an air courier service, has a specialized interest in regularly landing.

Inasmuch as the volume of business anticipated at these airports is insufficient to justify their designation as an international or landing rights airport, the availability of Customs services is not paid for out of Customs appropriations from the general treasury of the United States. Instead, the services of Customs officers are provided on a fully reimbursable basis to be paid for by the user fee airports on behalf of the recipients of the services.

The fees which are to be charged at user fee airports, according to the statute, shall be paid by each person using Customs services at the airport and shall be in the amount equal to the expenses incurred by the Secretary of the Treasury in providing Customs services that are rendered to such persons at such airport, including the salary and expenses of those employed by the Secretary of the Treasury to provide the Customs services. To implement this provision, the airport seeking the designation as a user fee airport or that airport's authority agrees to pay Customs a flat fee annually and the users of the airport are to reimburse that airport/airport authority. The airport/airport authority agrees to set and periodically review its charges to ensure that they are in accord with the airport's expenses.

Pursuant to Treasury Department Order No. 165, Revised (Treasury Decision 53564), all the rights, privileges, powers, and duties vested in the Secretary of the Treasury by the Tariff Act of 1930, as amended, by the navigation laws, or by any other laws administered by Customs are transferred to the Commissioner of Customs. Accordingly, the authority granted to the Secretary of the Treasury to designate user fee airports and to determine appropriate fees is delegated to the Commissioner of Customs.

Under this authority, Customs has determined that certain conditions must be met before an airport can be

designated as a user fee airport. At least one full-time Customs officer must be requested, and the airport must be responsible for providing Customs with satisfactory office space, equipment and supplies, at no cost to the Federal Government.

In § 122.15(b), Customs Regulations (19 CFR 122.15(b)), Customs sets forth a list of the user fee airports designated by the Commissioner of Customs in accordance with 19 U.S.C. 58b. This document updates the list.

Inapplicability of Public Notice and Delayed Effective Date Requirements

Because this amendment merely lists those user fee airports designated by the Commissioner of Customs in accordance with 19 U.S.C. 58b and neither imposes additional burdens on, nor takes away any existing rights or privileges from, the public, pursuant to 5 U.S.C. 553(b)(B), notice and public procedure are unnecessary, and for the same reasons, pursuant to 5 U.S.C. 553(d)(3), a delayed effective date is not required.

Regulatory Flexibility Act and Executive Order 12866

Because no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply. This amendment does not meet the criteria for a "significant regulatory action" as specified in Executive Order 12866.

Drafting Information

The principal author of this document was Janet L. Johnson, Regulations Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices participated in its development.

List of Subjects in 19 CFR Part 122

Air carriers, Aircraft, Airports, Customs duties and inspection, Freight.

Amendments to the Regulations

Part 122, Customs Regulations (19 CFR part 122) is amended as set forth below:

PART 122—AIR COMMERCE REGULATIONS

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

Authority: 5 U.S.C. 301; 19 U.S.C. 58b, 66, 1433, 1436, 1448, 1459, 1590, 1594, 1623, 1624, 1644, 1644a.

2. Section 122.15(b) is amended by revising the list of airports to read as follows:

§ 122.15 User fee airports.

* * * * *

(b)List of user fee airports. * * *

| Location | Name |
|----------------------------------|---|
| Addison, Texas | Addison Airport. |
| Blountville, Tennessee. | Tri-City Regional Airport. |
| Blytheville, Arkansas | Arkansas Aeroplex. |
| Broomfield, Colorado | Jefferson County Airport. |
| Daytona Beach, Florida. | Daytona Beach International Airport. |
| Decatur, Indiana | Decatur Airport. |
| Dublin, Virginia | New River Valley Airport. |
| Egg Harbor Township, New Jersey. | Atlantic City International Airport. |
| Englewood, Colorado | Centennial Airport. |
| Fargo, North Dakota | Hector International Airport. |
| Fort Wayne, Indiana | Baer Field Airport. |
| Fort Worth, Texas | Fort Worth Alliance Airport. |
| Johnson City, New York. | Binghamton Regional Airport. |
| Lexington, Kentucky .. | Blue Grass Airport. |
| Manchester, New Hampshire. | Manchester Airport. |
| Medford, Oregon | Rogue Valley International Airport. |
| Melbourne, Florida | Melbourne Airport. |
| Midland, Texas | Midland International Airport. |
| Morristown, New Jersey. | Morristown Municipal Airport. |
| Moses Lake, Washington. | Port of Moses Lake. |
| Myrtle Beach, South Carolina. | Myrtle Beach International Airport. |
| Ocala, Florida | Ocala Regional Airport. |
| Palm Springs, California. | Palm Springs International Airport. |
| Rochester, Minnesota | Rochester Airport. |
| San Bernardino, California. | San Bernardino International Airport. |
| Sarasota, Florida | Sarasota/Bradenton International Airport. |
| Scottsdale, Arizona ... | Scottsdale Airport. |
| Terre Haute, Indiana | Hulman Regional Airport. |
| Victorville, California | Southern California Logistics Airport. |
| Waterford, Michigan .. | Oakland International Airport. |
| Waukegan, Illinois | Waukegan Regional Airport. |
| West Chicago, Illinois | Dupage County Airport. |
| West Trenton, New Jersey. | Trenton Mercer Airport. |
| Wheeling, Illinois | Palwaukee Airport. |
| Wilmington, Ohio | Wilmington Airport. |
| Ypsilanti, Michigan | Willow Run Airport. |

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Raymond W. Kelly,
Commissioner of Customs.

Approved: March 30, 2000.

John P. Simpson,
Deputy Assistant Secretary of the Treasury.
[FR Doc. 00-12366 Filed 5-16-00; 8:45 am]

BILLING CODE 4820-02-P

POSTAL SERVICE

39 CFR Part 913

Procedures for the Issuance of Administrative Subpoenas Under 39 U.S.C. 3016

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This final rule establishes procedures for the issuance of administrative subpoenas in investigations of false representations and lotteries under 39 U.S.C. 3005(a). It adopts with changes a proposed rule published for public comment on March 16, 2000 (65 FR 14229-30). For reasons stated below, this rule will become effective immediately.

EFFECTIVE DATE: May 17, 2000.

FOR FURTHER INFORMATION CONTACT: Elizabeth P. Martin, (202) 268-3022.

SUPPLEMENTARY INFORMATION: The Deceptive Mail Prevention and Enforcement Act, Public Law 106-168, 113 Stat. 1806 (December 12, 1999), generally amended chapter 30 of title 39, United States Code, to make nonmailable certain deceptive matter relating to sweepstakes, skill contests, and facsimile checks. It also amended provisions relating to administrative procedures and orders, and added civil penalties relating to such matters.

Under new 39 U.S.C. 3016, the Postmaster General has authority to issue administrative subpoenas requiring the production of any records (including books, papers, documents, and other tangible things which constitute or contain evidence) which the Postmaster General considers relevant or material in any investigation conducted under 39 U.S.C. 3005(a), dealing with false representations and lotteries.

On March 16, 2000, the Postal Service published in the **Federal Register** a proposed new Part 913 to title 39 of the Code of Federal Regulations to establish the procedures to be used for the issuance of the administrative subpoenas authorized under 39 U.S.C. 3016 (65 FR 14229-30). The proposed rules set forth the conditions under which subpoenas may be issued, the

methods of service of subpoenas, the means by which subpoenas may be enforced, and the restrictions on the disclosure of subpoenaed information. Although exempt by 39 U.S.C. 410(a) from the notice and comment requirements of the Administrative Procedure Act, the Postal Service invited comments on the proposed new Part 913. The Postal Service received two comments, and has considered and incorporated several of the points raised therein.

Publishers Clearing House (PCH) suggested that § 913.1(a) should acknowledge that the authority to issue the subpoenas lies with the Postmaster General. The regulation has been changed to clarify that fact. Both PCH and the Postal Service Office of the Inspector General (OIG) expressed concern that the regulations should more closely track the language of the statute regarding conditions precedent to the issuance of a subpoena. A new § 913.1(c) has been added to address those concerns. Current subsections (c) and (d) are relettered as (d) and (e). New § 913.1(d)(3) similarly addresses the concern regarding conditions precedent.

New section 913(d)(1) is changed to clarify that only a specifically authorized Inspector may submit a request. At the suggestion of the OIG, new 913.1(d)(4) is changed to clarify that the General Counsel, at his or her discretion, may issue or deny a subpoena, require additional information, or honor requests to amend or supplement a request.

Both the OIG and PCH expressed concerns with respect to the clarity of § 913.4. We have considered their suggestions, however, we have not adopted their proposed language. The language published is that which is contained in the statute, and thus any lack of clarity is statutory. We interpret that language to state that anything turned over pursuant to a subpoena is exempt from release under the Freedom of Information Act.

Finally, the OIG suggested that certain new reporting requirements concerning the number of cases in which the authority under 39 U.S.C. 3016 is used should be addressed by these regulations. We have determined that the reporting requirements are not relevant to the process by which subpoenas are requested and issued, and have declined to make the suggested change.

With regard to the effective date, we have determined that there is good cause to make the new regulations effective upon publication. We believe that the public interest would not be served by providing persons who might