

Conditional Status

Based on the information above and the level and pace of development in the Fargo area, Customs believes that there is sufficient justification for the establishment of Fargo, North Dakota, as a port of entry on a conditional basis. If, after reviewing the public comments, Customs decides to create a port of entry at Fargo and terminate Hector International Airport's designation as a user-fee airport, then Customs will notify the airport of that determination in accordance with the provisions of 19 CFR 122.15(c). However, it is noted that this proposal relies on potential, rather than actual, workload figures. Therefore, even if the proposed port of entry designation is adopted as a final rule, in 1 year Customs will review the actual workload generated within the new port of entry. If that review indicates that the actual workload is below the T.D. 82-37 standards, as amended, procedures may be instituted to revoke the port of entry status. In such case, the airport may reapply to become a user-fee airport under the provisions of 19 U.S.C. 58b.

Description of Proposed Port of Entry Limits

The geographical limits of the proposed Fargo port of entry would be as follows:

In Cass County, North Dakota: Northern boundary Cass County highway 20, Southern boundary U.S. Interstate 94, Western boundary U.S. Interstate 29
In Clay County, Minnesota: Northern boundary Clay County highway 22, Southern boundary U.S. Interstate 94, Eastern boundary Clay County highway 11

Proposed Amendments

If the proposed port of entry designation is adopted, the list of Customs ports of entry at § 101.3(b)(1) will be amended to add Fargo as a port of entry in North Dakota, and Hector International Airport will be deleted from the list of user-fee airports at § 122.15(b).

Comments

Before adopting this proposal as a final rule, consideration will be given to any written comments timely submitted to Customs, including comments on the clarity of this proposed rule and how it may be made easier to understand. Comments submitted will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), § 1.5 of the Treasury Department Regulations (31 CFR 1.5), 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, 799 9th Street, NW., Washington, DC Arrangements to inspect submitted comments should be made in advance by calling Mr. Joseph Clark at (202) 572-8768.

Authority

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

The Regulatory Flexibility Act and Executive Order 12866

Customs routinely 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 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.*). Further, matters involving agency management and organization are not subject to Executive Order 12866.

Drafting Information

The principal author of this document was Gregory R. Vilders, Attorney, Office of Regulations and Rulings, Regulations Branch. However, personnel from other offices participated in its development.

Robert C. Bonner,

Commissioner of Customs.

Approved: November 25, 2002.

Timothy E. Skud,

Deputy Assistant Secretary of the Treasury.

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DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 122 and 123

RIN 1515-AC73

Private Aircraft Programs: Establishment of the General Aviation Telephonic Entry (GATE) Program and Revisions to the Overflight Program

AGENCY: Customs Service, Treasury.

ACTION: Notice of withdrawal of proposed rulemaking.

SUMMARY: This document informs the public that Customs has decided to withdraw its proposal to both establish a regulatory framework for the General Aviation Telephonic Entry (GATE) Program and revise the Overflight Program regulations. The withdrawal of the proposed rulemaking is based on Customs reconsideration of all aircraft entry procedures since the events of September 11, 2001.

EFFECTIVE DATE: December 2, 2002.

FOR FURTHER INFORMATION CONTACT: Elizabeth Tritt, Passenger Processing, Office of Field Operations; telephone (202) 927-4434.

SUPPLEMENTARY INFORMATION:

Background

On August 3, 2001, Customs published a document in the **Federal Register** (66 FR 40649) proposing to amend the Customs Regulations pertaining to private aircraft programs. The amendments proposed to establish the General Aviation Telephonic Entry (GATE) Program—a voluntary program that was designed to facilitate Customs processing of certain pre-qualified frequent travelers on pre-registered general aviation aircraft arriving in the United States directly from Canada.

The amendments also proposed to revise certain aspects of the Overflight Program—a voluntary program that exempts certain private aircraft arriving in the continental United States via certain areas south of the United States from the special landing requirement applicable to such aircraft. The proposed revisions of the Overflight Program would have modified the application process to standardize and streamline the information required and provide for centralized processing of requests for overflight privileges.

Comments on the proposed amendment to the Customs Regulations were solicited for 60 days.

Six comments were received in response to this proposal. All of the comments were favorable to the private aircraft programs, but certain clarifications were requested.

The GATE Program had been operated on a test basis and allowed participating aircraft to report its arrival information to Customs telephonically and exempted to some degree participating frequent travelers in compliance with the program's requirements from the general Customs requirements concerning entry into the United States. On September 11, 2001, the GATE Program was indefinitely suspended following the terrorist attacks on the United States. On August 3, 2002, the program was discontinued. Consistent

with the discontinuation of the GATE test, Customs has determined not to proceed with establishing the program in the regulations.

Regarding the proposed revisions to the Overflight Program, Customs has carefully considered the comments received and further reviewed the matter. Taking into consideration the enhanced security concerns following the events of September 11, 2001, Customs has concluded that the proposed amendments concerning the Overflight Program must be further revised concerning advance notice of arrival issues. Customs anticipates issuing a new proposal in the near future regarding changes to the Overflight Program. In accordance with the above discussion, Customs is withdrawing the proposal it published August 3, 2001.

Robert C. Bonner,
Commissioner of Customs.

Approved: November 25, 2002.

Timothy E. Skud,
Deputy Assistant Secretary of the Treasury.
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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD01-01-095]

RIN 2115-AE47

Drawbridge Operation Regulations; Shrewsbury River, NJ

AGENCY: Coast Guard, DOT.

ACTION: Notice of withdrawal of proposed rule.

SUMMARY: The Coast Guard is withdrawing the notice of proposed rulemaking governing the operation of the Monmouth County highway bridge, at mile 4.0, across the Shrewsbury River at Sea Bright, New Jersey. The bridge repair project for the Monmouth County highway bridge was cancelled. This action withdraws the notice of proposed rulemaking and closes the docket.

ADDRESSES: Documents indicated in this preamble are available for inspection or copying at the First Coast Guard District, Bridge Administration Office, 408 Atlantic Avenue, Boston, Massachusetts, 02110-3350, between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph Arca, Project Officer, First Coast Guard District, (212) 668-7165.

SUPPLEMENTARY INFORMATION: On July 12, 2001, the Coast Guard published a notice of proposed rulemaking (NPRM) in the **Federal Register** (66 FR 36527) entitled Drawbridge Operation Regulations, Shrewsbury River, New Jersey. That NPRM, Coast Guard docket (CGD01-01-095), requested public comment regarding the proposal to temporarily change the drawbridge operation regulations that govern the Monmouth County highway. The purpose of the rulemaking was to facilitate bridge maintenance repairs scheduled to be performed during the winter of 2001-2002. No comments were received in response to the NPRM.

The repair project and proposed temporary operating schedule were subsequently cancelled for 2001-2002, due to unresolved contractual issues between the bridge owner and the contractor.

The bridge owner submitted a new request to the Coast Guard to temporarily change the drawbridge operation regulations for the Monmouth County highway bridge in order to facilitate the bridge maintenance previously scheduled for the winter of 2001-2002.

The Coast Guard published a temporary final rule under a new Coast Guard docket number (CGD01-02-122) on November 6, 2002, (67 FR 67549) entitled Drawbridge Operation Regulations Shrewsbury River, New Jersey, to facilitate the bridge repair work scheduled to be performed during the winter of 2002-2003.

The notice of proposed rulemaking (CGD01-01-095) published on July 12, 2001, is no longer necessary. The notice of proposed rulemaking is withdrawn and the docket is closed.

Dated: November 15, 2002.

V.S. Crea,
Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD13-02-016]

RIN 2115-AE84

Regulated Navigation Area; Olympic View EPA Superfund Cleanup Site, Commencement Bay, Tacoma, WA

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to create a permanent regulated navigation area on a portion of Commencement Bay, Tacoma, Washington. This regulated navigation area would be used to preserve the integrity of a clean sediment cap placed over the seabed as part of the remediation process at the Olympic View Environmental Protection Agency (EPA) superfund cleanup site. This regulated navigation area would prohibit activities that would disturb the seabed, such as anchoring, dredging, spudding, laying cable or other disturbance of the bottom. It would not affect transit or navigation of the area.

DATES: Comments must reach the Coast Guard on or before January 31, 2003.

ADDRESSES: You may mail comments to U.S. Coast Guard Marine Safety Office Puget Sound, 1519 Alaskan Way South, Building 1, Seattle, Washington 98134, or deliver them to room 523 at the same address between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The telephone number is (206) 217-6232. Comments and documents as indicated in this preamble will become part of this docket and will be available for inspection or copying at the above address and times.

FOR FURTHER INFORMATION CONTACT: MST2 C.R. Petersen, c/o Captain of the Port Puget Sound, 1519 Alaskan Way South, Seattle, Washington 98134, at (206) 217-6232.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names, addresses, identify this rulemaking (CGD13-02-016) and the specific section of this proposal to which each comment applies, and give the reason for each comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgement of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in view of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Marine Safety Council at the address under

ADDRESSES. The request should include the reasons why a hearing would be beneficial. If it is determined that the