

System (GPS) standard instrument approach procedure (SIAP) to Runway (RWY) 30 has made this proposal necessary. The intended effect of this proposal is to provide adequate controlled airspace for aircraft executing the GPS SIAP to RWY 30 at Livingston Municipal Airport, Livingston, TX.

**DATES:** Comments must be received on or before February 29, 1996.

**ADDRESSES:** Send comments on the proposal in triplicate to Manager, System Management Branch, Air Traffic Division, Federal Aviation Administration, Southwest Region, Docket No. 95-ASW-21, Fort Worth, TX 76193-0530.

The official docket may be examined in the Office of the Assistant Chief Counsel, Federal Aviation Administration, Southwest Region, 2601 Meacham Boulevard, Fort Worth, TX, between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the System Management Branch, Air Traffic Division, Federal Aviation Administration, Southwest Region, 2601 Meacham Boulevard, Fort Worth, TX.

**FOR FURTHER INFORMATION CONTACT:** Donald J. Day, System Management Branch, Federal Aviation Administration, Southwest Region, Fort Worth, TX 76193-0530; telephone: (817) 222-5593.

#### **SUPPLEMENTARY INFORMATION:**

##### **Comments Invited**

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed under the caption **ADDRESSES**. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit, with those comments, a self-addressed, stamped, postcard containing the following statement: "Comments to Airspace Docket No. 95-ASW-21." The postcard will be date and time stamped and returned to the commenter. All communications received on or before the specified closing date for comments

will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Office of the Assistant Chief Counsel, Federal Aviation Administration, Southwest Region, 2601 Meacham Boulevard, Fort Worth, TX, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

##### **Availability of NPRM's**

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the System Management Branch, Air Traffic Division, Federal Aviation Administration, Southwest Region, Fort Worth, TX 76193-0530.

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 that 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, controlled airspace extending upward from 700 feet AGL at Livingston Municipal Airport, Livingston, TX. The development of a GPS SIAP to RWY 30 has made this proposal necessary. Designated airspace extending upward from 700 feet above the ground is now Class E airspace. The intended effect of this proposal is to provide adequate Class E airspace for aircraft executing the GPS SIAP to RWY 30 at Livingston Municipal Airport, Livingston, TX.

The coordinates for this airspace docket are based on North American Datum 83. Designated Class E airspace areas extending upward from 700 feet or more above ground level 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 that need frequent and routine amendments to keep them operationally current. It, therefore—(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 rule, when promulgated, will not have a significant 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**

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

#### **PART 71—[AMENDED]**

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 40103, 40113, 40120; E.O. 10854; 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 49 U.S.C. 106(g); 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.*

\* \* \* \* \*

ASW TX E5 Livingston, TX [New]

Livingston, Livingston Municipal Airport, TX  
(Lat. 30°41'9" N., long. 095°01'05" W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Livingston Municipal Airport.

\* \* \* \* \*

Issued in Fort Worth, TX on January 3, 1996.

Albert L. Viselli,  
Acting Manager, Air Traffic Division,  
Southwest Region.

[FR Doc. 96-1008 Filed 1-23-96; 8:45 am]

**BILLING CODE 4910-13-M**

#### **14 CFR Part 71**

**[Airspace Docket No. 95-ASW-18]**

#### **Proposed Revision to Class E Airspace, Farmington, NM**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice proposes to revise Class E airspace extending upward from 700 feet above ground level (AGL) at Farmington, NM. A new Global Positioning System (GPS) standard instrument approach procedure (SIAP) to Runway (RWY) 25 at four Corners Regional Airport, Farmington, NM, has made this proposal necessary. The intended effect of this proposal is to provide adequate controlled airspace for aircraft executing the GPS SIAP to RWY 25 at Farmington, NM.

**DATES:** Comments must be received on or before February 29, 1996.

**ADDRESSES:** Send comments on the proposal in triplicate to Manager, System Management Branch, Air Traffic Division, Federal Aviation Administration, Southwest Region, Docket No. 95-ASW-18, Fort Worth, TX 76193-0530. The official docket may be examined in the Office of the Assistant Chief Counsel, Federal Aviation Administration, Southwest Region, 2601 Meacham Boulevard, Fort Worth, TX, between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the System Management Branch, Air Traffic Division, Federal Aviation Administration, Southwest Region, 2601 Meacham Boulevard, Fort Worth, TX.

**FOR FURTHER INFORMATION CONTACT:** Donald J. Day, System Management Branch, Federal Aviation Administration, Southwest Region, Fort Worth, TX 76193-0530; telephone: (817) 222-5593.

**SUPPLEMENTARY INFORMATION:**

## Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed under the caption **ADDRESSES**. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit, with those comments, a self-addressed, stamped, postcard containing the following

statement: "Comments to Airspace Docket No. 95-ASW-18." The postcard will be date and time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Office of the Assistant Chief Counsel, Federal Aviation Administration, Southwest Region, 2601 Meacham Boulevard, Fort Worth, TX, both before and after the closing date for comments. A report summarizing each substantive public contract with FAA personnel concerned with this rulemaking will be filed in the docket.

## Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the System Management Branch, Air Traffic Division, Federal Aviation Administration, Southwest Region, Fort Worth, TX 76193-0530. 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 that 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 revise the Class E airspace, controlled airspace extending upward from 700 feet AGL, at Four Corners Regional Airport, Farmington, NM. A new GPS SIAP to RWY 25 has made this proposal necessary. The intended effect of this proposal is to provide adequate Class E airspace for aircraft executing the GPS SIAP to RWY 25 at Farmington, NM.

The coordinates for this airspace docket are based on North American Datum 83. Designated Class E airspace areas extending upward from 700 feet or more above ground level 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 that need frequent and routine amendments to keep them operationally current. It, therefore—(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 rule, when promulgated, will not have a significant 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

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

**PART 71—[AMENDED]**

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 49 U.S.C. 106(g); 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.*

\* \* \* \* \*

ASW NM E5 Farmington, NM [Revised]  
Farmington, Four Corners Regional Airport,  
NM  
(Lat. 36°44'31" N, long. 108°13'47" W)  
Farmington VORTAC  
(Lat. 36°44'54" N, long. 108°05'56" W)

That airspace extending upward from 700 feet above the surface within a 6.7-mile radius of Four Corners Regional Airport, and within 1.7 each side of the 088° bearing from the airport extending from the 6.7-mile radius to 9-miles east of the airport, and within 1.6 miles each side of the 266° radial of the Farmington VORTAC extending from the 6.7-mile radius to 10.7 miles west of the airport; and that airspace extending from 1,200 feet above the surface bounded by a line extending from lat. 37°04'00" N, long. 108°27'03" W; thence clockwise within a 25.5-mile radius of the Farmington VORTAC to lat. 37°00'00" N, long. 107°40'18" W; to lat. 37°00'00" N, long. 107°12'58" W; thence clockwise within a 45.1-mile radius of the Farmington VORTAC to point of beginning;

excluding that airspace within the Durango, CO, Class E airspace area, that airspace within and underlying the Crownpoint, NM, Class E airspace area.

\* \* \* \* \*

Issued in Fort Worth, TX on January 3, 1996.

Albert L. Viselli,

*Acting Manager, Air Traffic Division,  
Southwest Region.*

[FR Doc. 96-999 Filed 1-23-96; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF THE TREASURY

### Customs Service

#### 19 CFR Part 118

RIN 1515-AB83

#### **Centralized Examination Stations; Immediate Suspension or Permanent Revocation As Operator Upon Indictment for Any Felony**

**AGENCY:** Customs Service, Treasury.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This document proposes to amend the Customs Regulations primarily to enable Customs port directors to immediately suspend operations at a Centralized Examination Station (CES) whenever the operator, entity, or other person exercising substantial ownership or control over the operator, is indicted for, convicted of, or has committed acts which would constitute any felony. This document also proposes to make it more specific that a CES operator's failure to follow the terms of the CES written agreement constitutes a ground for proposed permanent revocation of the CES and cancellation of the written agreement to operate the facility. This action is taken in order to protect the public interest and to promote public confidence concerning the integrity of the CES program.

**DATES:** Comments must be received on or before March 25, 1996.

**ADDRESSES:** Comments (preferably in triplicate) must be submitted to the U.S. Customs Service, Attn: Regulations Branch, Franklin Court, 1301 Constitution Avenue, NW., Washington, DC 20229, and may be inspected at the Regulations Branch, 1099 14th Street NW., Suite 4000, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Linda Walfish, Office of Field Operations, Trade Compliance (202) 927-1167.

## SUPPLEMENTARY INFORMATION:

### Background

In T.D. 93-6 (58 FR 5596) Customs amended the Customs Regulations (19 CFR Ch. I) to create a new part 118 that set forth the regulatory framework for the establishment, operation, and termination of Centralized Examination Stations (CESs). A CES is a privately-operated facility, not in the charge of a Customs officer, at which imported merchandise is made available to Customs officers for physical examination. Regarding the termination of CESs, Customs stated that immediate revocation and cancellation for a criminal act should not be limited to cases involving an actual conviction or admission, and that the only criminal offenses which should result in an immediate revocation and cancellation would be those which involved theft, smuggling, or a theft-connected crime.

On further consideration of the issue of when revocation, cancellation, or suspension of an entity selected to be a CES operator should occur, Customs now believes that if a CES operator, an officer of a corporation which operates a CES, or a person the local "port director" (a new designation reflecting Customs pending field reorganization, the subject of a separate document) determines exercises substantial ownership or control over such operator or corporation is charged with any conduct which is proscribed as criminal, the character and integrity of the particular CES operation becomes questionable and consideration is warranted by the local port director as to whether the operations of the CES facility should be immediately suspended for a temporary period of time, i.e., a period commensurate with the seriousness of the crime charged, pending further investigation or outside adjudication of facts and/or the institution of permanent revocation and cancellation proceedings.

This action is being proposed in order to enhance port directors' ability to protect the public interest and to promote public confidence concerning the integrity of the CES program. Because the CES program centralizes at a particular location several otherwise disparate processes, including cartage, devanning, Customs inspection, sampling, reloading, and returning merchandise to the stream of commerce, and because the number of CES operators is limited (see, T.D. 93-6, 58 FR 5596, 5597 (January 22, 1993), the discussion of comments received concerning the final CES rule), Customs officers must have authority to ensure thorough confidence in the integrity of

CES operators, employees, and premises. Therefore, this proposed rulemaking would provide port directors with additional discretion to decide whether, on a case-by-case basis, particular circumstances and risks involving the listed offenses warrant immediate suspension, proposed revocation and cancellation, both, or neither. This proposal is intended to provide Customs greater flexibility to address the varying situations with appropriate measures reasonably calculated to protect the public interest and to promote public confidence in the CES program.

Accordingly, Customs proposes to amend § 118.21, which provides for the revocation of selection and cancellation of the written agreement to operate a CES. Paragraph (a) will be revised to provide for the immediate suspension of a CES operator's or entity's selection and the written agreement to operate the CES if the local port director finds that (1) the selection and written agreement were obtained through fraud or the misstatement of a material fact; or (2) the CES operator, an officer of a corporation which is a CES operator, or a person the port director determines to exercise substantial ownership or control over such operator or officer is indicted for, convicted of, or has committed acts which would constitute a felony, or a misdemeanor involving theft or a theft-connected crime. In the absence of an indictment or conviction, the port director must at least have probable cause to believe the proscribed acts occurred. When CES operations are suspended or revoked and cancelled by Customs, it will be the CES operator's responsibility to ensure that merchandise already at the CES is properly consigned to another location for inspection, as directed by the importer and approved by the port director.

Paragraph (b) is proposed to be amended by adding a new subparagraph (6) which makes the above-referenced conduct a separate ground for the port director to pursue permanent revocation and cancellation procedures, and revising subparagraph (1) to make more specific that failure to comply with the responsibilities of a CES operator also constitutes a ground for proposed revocation and cancellation.

The circumstance of a change in employment status as not precluding adverse action, formerly provided for under paragraph (a), is made into a new paragraph (c) to make it clear that this consideration is applicable equally to actions regarding immediate suspension and permanent revocation.