

10. Statements made by members of the panel are intended to facilitate discussion of the issues or to clarify issues. Comments made at the public meeting will be considered by the FAA before making a final decision on the issuance of the AD.

11. The meeting is designed to solicit public views and information on the proposed AD. Therefore, the meeting will be conducted in an informal and nonadversarial manner.

Issued in Kansas City, Missouri on September 22, 1998.

James E. Jackson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98-25954 Filed 9-28-98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98-ACE-33]

Proposed Establishment of Class E Airspace; Bolivar, MO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes to establish Class E airspace area at Bolivar Municipal Airport, Bolivar, MO. The FAA has developed Global Positioning System (GPS) Runway (RWY) 18, GPS RWY 36 and VHF Omnidirectional Range/Distance Measuring Equipment (VOR/DME) RWY 36 Standard Instrument Approach Procedures (SIAPs) to serve Bolivar Municipal Airport, MO. Controlled airspace extending upward from 700 feet Above Ground Level (AGL) is necessary to accommodate these SIAPs and for Instrument Flight Rules (IFR) operations at this airport. The area will contain the new GPS RWY 18, GPS RWY 36 and VOR/DME RWY 36 SIAPs in controlled airspace. The intended effect of this rule is to provide controlled Class E airspace for aircraft executing the GPS RWY 18, GPS RWY 36 and VOR/DME RWY 36 SIAPs and to segregate aircraft using instrument approach procedures in instrument conditions from aircraft operating in visual conditions.

DATES: Comments must be received on or before November 15, 1998.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Airspace Branch, ACE-250, Federal Aviation Administration, Docket No. 98-ACE-33, 601 East 12th Street, Kansas City, MO 64106.

The official docket may be examined in the Office of the Regional Counsel for the Central Region at the same address 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 in the office of the Manager, Airspace Branch, Air Traffic Division, at the address listed above.

FOR FURTHER INFORMATION CONTACT:

Kathy Randolph, Air Traffic Division, Airspace Branch, ACE-520C, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106; telephone number: (816) 426-3408.

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, 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 above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 98-ACE-33." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket 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 NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of 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 NPRMs should also request a copy of Advisory Circular No. 11-2A, which describes the procedures.

The Proposal

The FAA is considering an amendment to 14 CFR part 71 to establish Class E airspace area at Bolivar, MO. The FAA has developed GPS RWY 18, GPS RWY 36 and VOR/DME RWY 36 SIAPs to serve Bolivar Municipal Airport, Bolivar, MO. The intended effect of this action is to provide segregation of aircraft operating under Instrument Flight Rules (IFR) from 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 areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9F, dated September 10, 1998, and effective September 16, 1998, 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 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

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.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

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

* * * * *

ACE MO E5 Bolivar MO [New]

Bolivar Municipal Airport, MO
(Lat. 37°35'43" N., long. 93°20'52" W.)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of the Bolivar Municipal Airport.

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Issued in Kansas City, MO, on September 2, 1998.

Christopher R. Blum,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 98–25746 Filed 9–28–98; 8:45 am]

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DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 162, 171 and 191

RIN 1515–AC21

Penalties for False Drawback Claims

AGENCY: Customs Service, Department of the Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes to amend the Customs Regulations to set forth the procedures to be followed when false drawback claims are filed and penalties are thereby incurred. The proposed regulatory changes would implement section 622 of the Customs modernization provisions of the North American Free Trade Agreement Implementation Act. These new provisions track, to the greatest extent possible, the procedures that have been set forth for section 592 of the Tariff Act of 1930, as amended (19 U.S.C. 1592). This document also sets forth proposed

mitigation guidelines that Customs would follow in arriving at a just and reasonable assessment and disposition of liabilities when false drawback claims are filed and penalties are incurred. Finally, the document proposes to amend the Customs Regulations in order to provide more specificity regarding the grounds and procedures for removal of a participant from the drawback compliance program.

DATES: Comments must be received on or before November 30, 1998.

ADDRESSES: Written comments (preferably in triplicate) may be addressed to the Regulations Branch, Office of Regulations and Rulings, U.S. Customs Service, 1300 Pennsylvania Avenue, NW, Washington, DC 20229. Comments submitted may be inspected at the Regulations Branch, Office of Regulations and Rulings, U.S. Customs Service, 1300 Pennsylvania Avenue, NW, 3rd Floor, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Charles Ressin, Penalties Branch, Office of Regulations and Rulings, 202–927–2264.

SUPPLEMENTARY INFORMATION:

Background

This document proposes to amend the Customs Regulations to implement section 622 of Title VI of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182). Title VI of the North American Free Trade Agreement Implementation Act is popularly known as the Customs Modernization Act. Paragraph (a) of section 622 amended the Tariff Act of 1930, as amended, by adding section 593A, which prohibits the filing of false (fraudulent or negligent) drawback claims and prescribes the actions that Customs may take, including the assessment of monetary penalties, if such claims are filed (gross negligence is not separately set forth as a level of culpability in the new statutory provision). New section 593A was codified as section 1593a of Title 19 of the United States Code (19 U.S.C. 1593a, hereinafter “the statute”).

As in the case of penalties under section 592 of the Tariff Act of 1930, as amended (19 U.S.C. 1592), specific procedures and other requirements are set forth in the statute for prepenalty notices and penalty claims, the former not being required by the statute if the penalty is \$1,000 or less. The statute provides that approval of Customs Headquarters is required if a prepenalty notice alleging fraud is contemplated. The statute also further provides for the applicability of section 618 of the Tariff Act of 1930, as amended (19 U.S.C.

1618), which authorizes the administrative remission or mitigation of penalties. Written decisions, setting forth a final determination and findings of fact and conclusions of law upon which that determination was based, are also mandated by the statute.

Rather than setting forth specific penalty amounts, the statute provides for the assessment of monetary penalties in amounts not to exceed a specific percentage of the actual or potential loss of revenue, with the applicable percentage depending on the level of culpability, whether there have been prior violations involving the same issue, and whether the violator is a participant in the Customs drawback compliance program (the statute provides for the establishment of a drawback compliance program, and regulatory provisions relating to the operation of that program were adopted as part of the amendments to the Customs Regulations regarding drawback published in the **Federal Register** as T.D. 98–16 on March 5, 1998, 63 FR 10970). For purposes of applying the monetary penalties prescribed in the statute, Customs proposes in this document to define loss of revenue with reference to the amount of drawback that is claimed and to which the claimant is not entitled.

The statute further provides for limited penalty assessment for filing a false drawback claim if there is a prior disclosure of the violation. As in cases brought under section 592, the limited penalty assessment would be applicable only in those instances in which the circumstances of the violation are disclosed before, or without knowledge of the commencement of, a formal investigation. In this context, this document should be read in conjunction with the notice of proposed rulemaking regarding prior disclosure that was published in the **Federal Register** on September 26, 1996 (61 FR 50459).

The statute provides for penalties, or notices of violation in lieu of penalties, as set forth below in cases involving negligent violations (under the statute, a repetitive violation is one which involves the same issue as a prior violation): 1. If the violator is not a participant in the drawback compliance program, Customs shall assess monetary penalties in amounts not to exceed the following:

- a. 20 percent of the loss of revenue for the first violation;
- b. 50 percent of the loss of revenue for the first repetitive violation; and
- c. The loss of revenue in the case of a second and each subsequent repetitive violation.