of the slider tube unit and modifying the rudder bar assembly by replacing the LH slider tube with a new strengthened slider tube unit. This action changes the issue date of this AD to June 24, 1997 and leaves the effective date at August 18, 1997.

EFFECTIVE DATE: August 18, 1997.

FOR FURTHER INFORMATION CONTACT: Mr. S.M. Nagarajan, Project Officer, Small Airplane Directorate, Aircraft Certification Service, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone (816) 426–6932; facsimile (816) 426–2169.

SUPPLEMENTARY INFORMATION:

Discussion

On June 24, 1997, the FAA issued AD 97–14–01, Amendment 39–10058 (62 FR 35670, July 2, 1997), which applies to Pilatus Britten-Norman Ltd. (PBN) BN–2A and BN–2A Mk 111 series airplanes. This AD requires inspecting the left-hand (LH) rudder bar assembly for wall thickness of the slider tube unit and modifying the rudder bar assembly by replacing the LH slider tube with a new strengthened slider tube unit.

Need for the Correction

This AD currently has the wrong issue date of August 18, 1997. The last sentence of the AD reads ''Issued in Kansas City, Missouri on August 18, 1997.'' This is the effective date of this AD and was repeated as the issue date by mistake.

Correction of Publication

Accordingly, the publication of July 2, 1997 (62 FR 35670), of Amendment 39–10058; AD 97–14–01, which was the subject of FR Doc. 97–17098, is corrected as follows:

§ 39.13 [Corrected]

In AD 97–14–01, the issue date before the signature block of the AD, **Federal Register** page number 35672, third column should read ''Issued in Kansas City, Missouri on June 24, 1997''.

Action is taken herein to correct this reference in AD 97–14–01 and to add this AD correction to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13).

The effective date of the AD remains August 18, 1997.

Issued in Kansas City, Missouri on July 2, 1997.

James E., Jackson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–18139 Filed 7–10–97; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 101 and 122

[T.D. 97–64]

Customs Service Field Organization; Establishment of Sanford Port of Entry

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations pertaining to Customs field organization by establishing a new port of entry at Sanford, Florida, and deleting the Sanford Regional Airport from the list of user-fee airports. The new port of entry, designated Orlando-Sanford Airport, is located in Central Florida. This change will assist the Customs Service in its continuing efforts to achieve more efficient use of its personnel, facilities, and resources, and to provide better service to carriers, importers, and the general public.

EFFECTIVE DATE: November 10, 1997.

FOR FURTHER INFORMATION CONTACT: Harry Denning, Office of Field Operations, Resource Management Division (202) 927–0196.

SUPPLEMENTARY INFORMATION:

Background

In 1991 Sanford Regional Airport began operating as a user-fee airport. By 1993, a report prepared for the Central Florida Regional Airport Board, which manages the airport at Sanford, showed Sanford Regional Airport as the fastest growing airport for international passenger clearance services in Florida. Applying the criteria used by Customs since 1973 for establishing ports of entry (see, Treasury Decision (T.D.) 82–37 (47 FR 10137), as revised by T.D. 86–14 (51 FR 4559) and T.D. 87–65 (52 FR 16328)), to the figures projected by the Central Florida Regional Airport Board, Customs believed that sufficient justification existed for redesignating the airport facility from its user-fee status to that of a port of entry.

The report projected that in an approximate six-month period in 1996 the airport would process over 100,000 international passengers. (For 1996, the actual number of international passengers processed exceeded 272,000.) As Customs criteria specify a minimum annual workload of 15,000 international air passengers for establishment of a port of entry, the Sanford airport facility clearly met that criterion. The modes of transportation serving the port of entry and the minimum population base within the immediate service area also are adequate to establish a port of entry at Sanford. Accordingly, Customs proposed to establish the port of entry in the belief that such a designation would help Customs achieve the more efficient use of its personnel, facilities, and resources, and provide better services to carriers, importers, and the public in Central Florida.

On June 17, 1996, Customs published a notice of proposed rulemaking in the **Federal Register** (61 FR 30552) that solicited comments concerning a proposal to amend § 101.3(b), Customs Regulations (19 CFR 101.3), by establishing a new port of entry at Sanford, Florida, and § 122.15(b), by removing the Sanford Regional Airport from the list of user-fee airports.

The public comment period for the proposed amendments closed July 9, 1996.

Discussion of Comments

Five comments were received: Two in favor and three against. A discussion of the comments follows:

Comment: Two commenters argue that there is no present legal authority or existing procedure that allows Customs to force any airport to become a port of entry against its desire, *i.e.,* without the airport itself initiating the request for a change in status, and the third commenter argues that since there has been no such request made, Customs decision to change the status constitutes an arbitrary determination. One of the commenters further argues that the statute providing for the rearranging of customs districts (19 U.S.C. 2) appears to permit the establishment of ports of entry only in connection with replacing another port or ports that have been discontinued.

One of the commenters (a private terminal operator) also states that it decided to develop its new international terminal facility at Sanford based on that facility remaining a user-fee airport; that to change the airport's designation to that of a port of entry could completely undermine the operator's legitimate business expectations regarding a development project backed by millions of private investment dollars, and would frustrate the operator's ability to use its facility for the only purpose for which it is economically viable. In short, the commenter believes that the establishment of a port of entry at the Sanford airport and the termination of the airport's user-fee status would be grossly and patently unfair and, without compensation by the government,

would amount to an unconstitutional taking.

Customs Response: The statutory scheme which establishes Customs field organization to administer and enforce the customs and related laws of the United States is found at 19 U.S.C. 1 and 2, which allow for ports of entry, and at 19 U.S.C. 58b, which allows for user-fee arrangements at certain small facilities.

Section 2 of title 19 of the United States Code (19 U.S.C. 2), allows for the rearrangement and limitation of districts and the changing of locations. This statute, in part, authorizes the President from time to time, as the exigencies of the service may require, to rearrange, by consolidation or otherwise, the several customs collection districts and to discontinue ports of entry by abolishing the same or establishing others in their stead. In 1951, the President delegated his authority to the Secretary of the Treasury (Exec. Order 10289 of September 17, 1951, 16 FR 9499, 3 CFR parts 1949–1953 Comp. p. 787, *reprinted in* 3 U.S.C. 301 note) who, in 1995, delegated the authority to the Deputy Assistant Secretary for Regulatory, Tariff, and Trade Enforcement (19 CFR 101.3(a)). Further, unlike the statute providing for the establishment of a user-fee facility, this statute does not require any local consent in the establishment of a port of entry. The criteria Customs employs to determine whether a facility should be designated as a port of entry are not regulatory, and were published as specified above so that communities seeking new or expanded Customs services could justify to Customs the expense of maintaining a new office or expanding service at an existing location.

Customs does not agree with the commenter's argument that the statute permits the establishment of ports of entry only in connection with the simultaneous replacement of another port or ports that have been discontinued. The Secretary has interpreted 19 U.S.C. 2 to provide authority to the President and his delegate to establish ports of entry without the simultaneous abolition of other ports. *See, e.g.,* T.D. 95–62 (60 FR 41804, dated Aug. 14, 1995, providing for the port of entry at Rockford, Illinois) and T.D. 96–3 (60 FR 67056, dated Dec. 28, 1995, providing for the port of entry at Sioux Falls, South Dakota). While the Secretary has not abolished ports of entry simultaneously with the establishment of these ports of entry, the number of ports of entry has actually decreased. Thus, the interpretation of this statute suggested by the commenter is contrary to the position of the Treasury Department as reflected in longstanding practice and the plain language of the statute grants the Secretary, as the President's delegate, the authority to determine that the exigencies of the Customs Service require that Sanford be designated as a port of entry.

Section 58b of title 19 of the United States Code (19 U.S.C. 58b), entitled ''User Fee for Customs Services at Certain Small Airports and Other Facilities,'' provides, in part, that the Secretary may designate airports, seaports, and other facilities as recipients of customs services on a fee-basis only if he has made a determination that the volume or value of business cleared through such facility is insufficient to justify the availability of customs services at such facility. But when the volume or value of business cleared through such a designated user-fee facility reaches such a level justifying the availability of customs services at the facility, Customs may make a determination concerning that facility's continuing status within Customs field organization. This is the circumstance which has overcome Sanford; based on its own report, not that of Customs, international passenger workload figures are far in excess of those normally considered adequate for port of entry status. Accordingly, Customs has made a determination that the volume of business cleared through this facility is no longer ''insufficient to justify the availability of customs services'' at this facility and that Sanford should be designated as a port of entry. Concerning port of entry status, it should be noted that facilities are usually helped by this designation, as they are able to offer permanent and a full range of Customs services instead of just temporary and limited ones that are based on a user-fee arrangement.

Concerning the regulatory takings argument advanced, it is Customs position that a change in designation of a particular field location does not constitute a taking of property for public use.

Comment: One commenter states that all user-fee airports should be treated similarly and that the proposed action threatens all other small user-fee airports, such as Daytona Beach and Melbourne, Florida, who now may be pushed into port of entry status with its associated higher costs. The commenter alleges that unequal and discriminatory treatment is being imposed on Sanford; the commenter claims that user-fee airports at Ft. Myers, Florida and Wilmington, Ohio for years have exceeded the minimum criteria for establishing port of entry status, whereas, Sanford's status is to be changed based on projected passenger counts.

Customs Response: There is nothing automatic about when a facility's designation must be changed into another designation. As discussed above, Customs field organization is based on the needs of the entire Customs Service, as determined by the Secretary of the Treasury.

Concerning the referenced user-fee airports located at Ft. Myers and Wilmington, Customs is currently looking into whether Ft. Myers, Florida, should be redesignated as a port of entry; in the case of Wilmington, Ohio, Customs has already determined that that location does not meet any of the criteria for port of entry status.

Comment: One commenter claims that because there was no local request for port of entry status Customs has *de facto* established, without proper notice, a new, broadly applicable procedure for creating new ports of entry, which possibly violates the requirement of 5 U.S.C. 551 [sic] that each agency publish ''the nature and requirements of all formal and informal procedures available.'' The commenter asserts that before applying this new procedure in a specific case, Customs should publish a general notice alerting the public to the new procedure.

Customs Response: This comment misinterprets the public information requirements of the Administrative Procedure Act (APA) and the publication of the criteria for establishing ports of entry. Regarding the APA, section 552 of the APA (5 U.S.C. 552) requires, in part, that agencies publish in the **Federal Register** information pertaining to descriptions of its central and field organization for informational purposes, which Customs does in Part 101 of the Customs Regulations. Concerning the notice and public comment procedures of section 553 of the APA (5 U.S.C. 553), which applies to agency rulemaking, Customs has followed these procedures in its proposal to change the designation of Sanford Airport.

Regarding the publication of the criteria for establishing ports of entry, no new procedure for establishing ports of entry has been established. As stated above, the authority to designate ports of entry is a plenary authority vested in the President or his delegate under the provisions of 19 U.S.C. 2. Customs publication of the criteria for establishing ports of entry does not operate to inhibit that plenary authority to establish ports of entry ''as the exigencies of the Service may require,''

but rather serves to inform those communities interested in obtaining such government capabilities to focus their requests for such status on the criteria actually utilized by the Treasury Department.

Conclusion

After analysis of the comments and further review of the matter, Customs has determined that Sanford Regional Airport no longer qualifies as a small, user-fee facility under the provisions of 19 U.S.C. 58b, and that Customs needs in the administration and enforcement of customs and related laws would best be served by establishing Sanford as a port of entry. Accordingly, Customs has decided to adopt the proposed amendments to part 101 and 122 of the Customs Regulations, published in the **Federal Register** on June 17, 1996 (61 FR 30552). However, a delayed effective date is observed because this document will serve as the written notice of termination of user-fee status to the Sanford Regional Airport as required by § 122.15(c).

The Regulatory Flexibility Act, and Executive Order 12866

Pursuant to provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), it is certified that these amendments will not have a significant economic impact on a substantial number of small entities, as these amendments concern the status of only one airport facility. Accordingly, these amendments are not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604. These amendments do not meet the criteria for a ''significant regulatory action'' as specified in Executive Order 12866.

List of Subjects

19 CFR Part 101

Customs duties and inspection, Customs ports of entry, Exports, Imports, Organization and functions (Government agencies), Reporting and recordkeeping requirements.

19 CFR Part 122

Air carriers, Aircraft, Airports, Air transportation, Customs duties and inspection, Organization and functions (Government agencies), Reporting and recordkeeping requirements.

Amendments to the Regulations

For the reasons stated above, parts 101 and 122 of the Customs Regulations (19 CFR parts 101 and 122) are amended as set forth below:

PART 101—GENERAL PROVISIONS

1. The general authority citation for Part 101 and the specific authority 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.

Section 101.3 and 101.4 also issued under 19 U.S.C. 1 and 58b;

* * * * *

2. Section 101.3(b)(1) is amended by adding, in appropriate alphabetical order, under the state of Florida ''Orlando-Sanford Airport'' in the ''Ports of entry'' column and ''T.D. 97–64'' in the adjacent ''Limits of port'' column.

PART 122—AIR COMMERCE REGULATIONS

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

Authority: 5 U.S.C. 301; 19 U.S.C. 58b, 66, 1433, 1436, 1459, 1590, 1594, 1623, 1624, 1644,; 49 U.S.C. App. 1509.

2. Section 122.15(b) is amended by removing ''Sanford, Florida'' from the column headed ''Location'' and, on the same line, ''Sanford Regional Airport'' in the column headed ''Name''.

Dated: March 24, 1997.

George J. Weise,

Commissioner of Customs.

[FR Doc. 97–18206 Filed 7–10–97; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF STATE

Bureau of Political-Military Affairs

22 CFR Part 126

[Public Notice 2567]

Amendment to the List of Proscribed Destinations

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: The Department of State is amending the International Traffic in Arms Regulations (ITAR) to reflect that it is no longer the policy of the United States to deny licenses, other approvals, exports and imports of defense articles and defense services, destined for or originating in Mongolia. All requests for approval involving items covered by the U.S. Munitions List will be reviewed on a case-by-case basis.

DATES: This rule is effective June 30, 1997.

FOR FURTHER INFORMATION CONTACT: Kurt F. Luertzing, Office of Arms Transfer and Export Control Policy, Bureau of Political-Military Affairs, Department of State (202–647–1254).

SUPPLEMENTARY INFORMATION: In connection with the President's policy that U.S. laws and regulations be updated to reflect the end of the Cold War, and Presidential Determination 95–38 of August 22, 1995 making Mongolia eligible to receive defense articles and service, the Department of State is amending the ITAR to reflect that it is no longer the policy of the United States, pursuant to 22 CFR § 126.1, to deny licenses, other approvals, exports and imports of defense articles and defense services, destined for or originating in Mongolia. Requests for licenses or other approvals for Mongolia involving items covered by the U.S. Munitions List (22 CFR part 121) will no longer be presumed to be disapproved.

This amendment to the ITAR involves a foreign affairs function of the United States and thus is excluded from the major rule procedures of Executive Order 12291 (46 FR 13193) and the procedures of 5 U.S.C. 553 and 554. This final rule does not contain a new or amended information requirement subject to the Paperwork Reduction Act (44 U.S.C. 3501, *et. seq.*).

List of Subjects in 22 CFR Part 126

Arms and Munitions, Exports.

Accordingly, under the authority of section 38 of the Arms Export Control Act (22 U.S.C. 2778) and Executive Order 11958, as amended, 22 CFR subchapter M is amended as follows:

PART 126—[AMENDED]

1. The authority citation for part 126 continues to read as follows:

Authority: Secs. 2, 38, 40, 42, and 71, Arms Export Control Act, Pub. L. 90–629, 90 Stat. 744 (22 U.S.C. 2752, 2778, 2780, 2791, and 2797); E.O. 11958, 41 FR 4311; E.O. 11322, 32 FR 119; 22 U.S.C. 2658; 22 U.S.C. 287c; E.O. 12918, 59 FR 28206.

§ 126.1 [Amended]

2. Section 126.1 is amended by removing ''Mongolia,'' from paragraph (a).

Dated: June 26, 1997.

Lynn E. Davis,

Under Secretary of State for Arms Control and International Security Affairs.

[FR Doc. 97–18192 Filed 7–10–97; 8:45 am]

BILLING CODE 4710–25–M