

**Adoption of the Amendment**

In consideration of the foregoing, the Federal Aviation Administration amends 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 14 CFR 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 the Federal Aviation Administration Order 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

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

\* \* \* \* \*

**ANM MT E5 Anaconda, MT [Removed]**

\* \* \* \* \*

Issued in Seattle, Washington, on January 27, 1999.

**Helen Fabian Parke,**

*Manager, Air Traffic Division,  
Northwest Mountain Region.*

[FR Doc. 99–3687 Filed 2–12–99; 8:45 am]

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**DEPARTMENT OF THE TREASURY**

**Customs Service**

**19 CFR Parts 24 and 178**

[T.D. 99–11]

RIN 1515–AC26

**Automated Clearinghouse Credit**

**AGENCY:** Customs Service, Treasury.

**ACTION:** Final rule.

**SUMMARY:** This document adopts as a final rule interim amendments to the Customs Regulations which provided for payments of funds to Customs by Automated Clearinghouse (ACH) credit. Under ACH credit, a payer transmits daily statement, deferred tax, and bill payments electronically through a financial institution directly to a Customs account maintained by the Department of the Treasury. ACH credit allows the payer to exercise more control over the payment process, does

not require the disclosure of bank account information to Customs, and expands the types of payments that may be made through ACH.

**EFFECTIVE DATE:** February 16, 1999.

**FOR FURTHER INFORMATION CONTACT:** Ben Robbin, Financial Systems Division, Financial Management Services Center, Office of Finance, U.S. Customs Service (317–298–1520, ext. 1428).

**SUPPLEMENTARY INFORMATION:**

**Background**

On May 28, 1998, Customs published T.D. 98–51 in the **Federal Register** (63 FR 29122) setting forth interim amendments to the Customs Regulations to provide for the electronic transfer of funds to Customs for commercial transactions through the Automated Clearinghouse (ACH) credit procedure. Under ACH credit, a payer transmits daily statement, deferred tax, and bill payments electronically through a financial institution directly to a Customs account maintained by the Department of the Treasury. The ACH credit procedure offers a number of advantages when compared to the previously implemented ACH debit procedure provided for in § 24.25 of the Customs Regulations (19 CFR 24.25). These advantages include the fact that ACH credit allows the payer to exercise more control over the payment process, does not require the disclosure of bank account information to the Government, expands the types of payments that may be made through ACH, and does not require action on the part of the Government when an individual payment is effected.

The interim amendments contained in T.D. 98–51 involved (1) the addition of a new § 24.26 (19 CFR 24.26) to cover the ACH credit procedure and (2) a number of consequential wording changes in § 24.25 to clarify when the references to ACH in that section pertain only to the ACH debit procedure and not to the ACH credit procedure of new § 24.26. These interim regulatory amendments went into effect on June 29, 1998, and the notice prescribed a public comment period which closed on July 27, 1998.

No comments were received during the prescribed public comment period. Accordingly, Customs believes that the interim regulatory amendments should be adopted as a final rule without change. This document also includes an appropriate update of the list of information collection approvals contained in § 178.2 of the Customs Regulations (19 CFR 178.2).

**Executive Order 12866**

This document does not meet the criteria for a “significant regulatory action” as specified in Executive Order 12866.

**Regulatory Flexibility Act**

Pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), it is certified that the amendments will not have a significant economic impact on a substantial number of small entities. ACH credit is a voluntary payment procedure that provides increased benefits in efficiency, control, and privacy to payers who elect to make payments to Customs by electronic funds transfer. Accordingly, the amendments are not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

**Paperwork Reduction Act**

The collection of information contained in this final rule has been reviewed and approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) under control number 1515–0218. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.

The collection of information in this final rule is in § 24.26. This information is required in connection with an election to use the ACH credit procedure for making electronic payments of funds to Customs. The information will be used by the U.S. Customs Service to ensure that payments to Customs are properly transmitted, received, and credited. The likely respondents are business organizations including importers, exporters and manufacturers.

The estimated average annual burden associated with the collection of information in this final rule is .083 hours per respondent or recordkeeper. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the U.S. Customs Service, Information Services Group, Office of Finance, 1300 Pennsylvania Avenue, N.W., Washington, D.C. 20229, and to OMB, Attention: Desk Officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, D.C. 20503.

**List of Subjects***19 CFR Part 24*

Accounting, Claims, Customs duties and inspection, Imports, Taxes.

*19 CFR Part 178*

Administrative practice and procedure, Reporting and recordkeeping requirements.

**Amendments to the Regulations**

For the reasons stated in the preamble, under the authority of 19 U.S.C. 66 and 1624 the interim rule amending 19 CFR Part 24 which was published at 63 FR 29122 on May 28, 1998, is adopted as a final rule without change, and Part 178 of the Customs Regulations (19 CFR Part 178) is amended as set forth below.

**PART 178—APPROVAL OF INFORMATION COLLECTION REQUIREMENTS**

1. The authority citation for Part 178 continues to read as follows:

**Authority:** 5 U.S.C. 301; 19 U.S.C. 1624; 44 U.S.C. 3501 *et seq.*

2. Section 178.2 is amended by adding a new listing to the table in numerical order to read as follows:

**§ 178.2 Listing of OMB control numbers.**

19 CFR Section	Description	OMB control No.
§ 24.26 ...	Automated Clearinghouse Credit.	1515-0218
*	*	*

**Raymond W. Kelly,**

*Commissioner of Customs.*

Approved: January 15, 1999.

**John P. Simpson,**

*Deputy Assistant Secretary of the Treasury.*

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**DEPARTMENT OF THE TREASURY****Customs Service****19 CFR Parts 101 and 122**

[T.D. 99-9]

**Establishment of Port of Entry in Fort Myers, Florida**

**AGENCY:** Customs Service, Department of the Treasury.

**ACTION:** Final rule.

**SUMMARY:** This document amends the Customs Regulations pertaining to the field organization of the Customs Service by designating Fort Myers,

Florida, as a port of entry. The geographical area of the new port consists of both Lee and Collier Counties in Florida, including Southwest Florida International Airport and the foreign trade zone at Immokalee Regional Airport. The change is being made as part of Customs continuing program to obtain more efficient use of its personnel, facilities, and resources, and to provide better service to carriers, importers and the general public.

**EFFECTIVE DATE:** March 18, 1999.

**FOR FURTHER INFORMATION CONTACT:**

Harry Denning, Office of Field Operations, 202-927-0196.

**SUPPLEMENTARY INFORMATION:****Background**

In a Notice of Proposed Rulemaking (NPRM) published in the **Federal Register** (63 FR 13025) on March 17, 1998, Customs proposed to amend the Customs Regulations pertaining to the field organization of the Customs Service by designating Fort Myers, Florida, as a port of entry. Customs proposed that Fort Myers be designated as a port of entry because it meets the current standards for port of entry designations set forth in T.D. 82-37, as revised by T.D. 86-14 and T.D. 87-65. The geographical boundaries of the proposed port were to be the same as those of Lee County, Florida, including Southwest Florida International Airport. It was also proposed to remove the user fee designation of Southwest Florida International Airport.

Five comments were received in response to the proposal.

**Analysis of Comments**

**Comment:** The commenters all supported the designation of Lee County including Southwest Florida International Airport as a Customs port of entry. In addition, they all requested that the port limits be expanded to include Collier County as well as Lee County.

According to the commenters, Collier County is one of the fastest growing areas in the country. Its rapid population growth is projected to continue into the next century, with population doubling by the year 2020. Collier County is involved in international trade by virtue of its foreign trade zone at Immokalee Regional Airport, created by the Department of Commerce in 1997, and the foreign trade zone workload is projected to increase.

**Response:** Customs believes that the commenters have presented sufficient information about the benefits of including Collier County in the new

port to expand the geographical description of Fort Myers to include Collier County. Ample evidence has been provided to convince Customs that because Collier County is a growing county with regard to population, trade and economic structure, the economic viability of a Fort Myers port of entry will be enhanced by the inclusion of Collier County. Customs believes that the new two-county port can be efficiently managed by available Customs resources.

**Conclusion**

As part of a continuing program to obtain more efficient use of its personnel, facilities, and resources, and to provide better service to carriers, importers, and the general public, Customs is amending §§ 101.3(b)(1) and 122.15(b), Customs Regulations (19 CFR 101.3(b)(1) and 122.15(b)), by designating Fort Myers, Florida, as a port of entry and removing the designation of Southwest Florida Regional Airport as a user fee airport.

**Port Limits**

The geographic area of the port of Fort Myers consists of Lee County, Florida, including Southwest Florida International Airport, and Collier County, Florida, including the foreign trade zone at Immokalee Regional Airport.

**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 the subject matter relates to agency management and organization, it is not subject to the notice and public 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 are exempt from consideration under 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.