

governor of the state in which the airport is located approves the designation. Generally, the type of airport that would seek designation as a user fee airport would be one at which a company, such as an air courier service, has a specialized interest in regularly landing.

As the volume of business anticipated at this type of airport is insufficient to justify its designation as an international or landing rights airport, the availability of customs services is not paid for out of appropriations from the general treasury of the United States. Instead, customs services are provided on a fully reimbursable basis to be paid for by the user fee airport on behalf of the recipients of the services.

The fees which are to be charged at user fee airports, according to the statute, shall be paid by each person using the customs services at the airport and shall be in the amount equal to the expenses incurred by the Commissioner of CBP in providing customs services which are rendered to such person at such airport, including the salary and expenses of those employed by the Commissioner of CBP to provide the customs services. To implement this provision, generally, the airport seeking the designation as a user fee airport or that airport's authority agrees to pay a flat fee for which the users of the airport are to reimburse the airport/airport authority. The airport/airport authority agrees to set and periodically review the charges to ensure that they are in accord with the airport's expenses.

The Commissioner of CBP designates airports as user fee airports pursuant to 19 U.S.C. 58b. *See* 19 CFR 122.15. If the Commissioner decides that the conditions for designation as a user fee airport are satisfied, a Memorandum of Agreement (MOA) is executed between the Commissioner of CBP and the local responsible official signing on behalf of the state, city or municipality in which the airport is located. In this manner, user fee airports are designated on a case-by-case basis. Section 19 CFR 122.15 sets forth the grounds for withdrawal of a user fee designation and sets forth the list of designated user fee airports. Periodically, CBP updates the list of user fee airports at 19 CFR 122.15(b) to reflect those that have been currently designated by the Commissioner. This document updates that list of user fee airports by adding Valley International Airport, in Harlingen, Texas to the list. On May 28, 2008, the Commissioner signed an MOA approving the designation of user fee status for Valley International Airport.

### **Inapplicability of Public Notice and Delayed Effective Date Requirements**

Because this amendment merely updates the list of user fee airports to include an airport already designated by the Commissioner of CBP in accordance with 19 U.S.C. 58b and neither imposes additional burdens on, nor takes away any existing rights or privileges from, the public, pursuant to 5 U.S.C. 553(b)(B), notice and public procedure are unnecessary, and for the same reasons, pursuant to 5 U.S.C. 553(d)(3), a delayed effective date is not required.

### **The Regulatory Flexibility Act and Executive Order 12866**

Because no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply. This amendment does not meet the criteria for a "significant regulatory action" as specified in Executive Order 12866.

### **Signing Authority**

This document is limited to a technical correction of CBP regulations. Accordingly, it is being signed under the authority of 19 CFR 0.1(b).

### **List of Subjects in 19 CFR Part 122**

Air carriers, Aircraft, Airports, Customs duties and inspection, Freight.

### **Amendment to Regulations**

■ Part 122, Code of Federal Regulations (19 CFR part 122) is amended as set forth below:

### **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, 1431, 1433, 1436, 1448, 1459, 1590, 1594, 1623, 1624, 1644, 1644a, 2071 note.

■ 2. The listing of user fee airports in section 122.15(b) is amended as follows: by adding, in alphabetical order, in the "Location" column "Harlingen, Texas" and by adding on the same line, in the "Name" column, "Valley International Airport."

Dated: September 4, 2008.

**Jason P. Ahern,**

*Acting Commissioner, U.S. Customs and Border Protection.*

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## **DEPARTMENT OF STATE**

### **22 CFR Part 122**

[Public Notice 6353]

### **Amendment to the International Traffic in Arms Regulations: Correction**

**AGENCY:** Department of State.

**ACTION:** Correction of final rule.

**SUMMARY:** This document makes a correction to the RIN stated in the final rule published on July 18, 2008 (73 FR 41258) pertaining to "Renewal of Registration." RIN 1400-AC50 should be RIN 1400-AC51.

**DATES:** *Effective Date:* September 10, 2008.

### **FOR FURTHER INFORMATION CONTACT:**

Mary Sweeney, Office of Defense Trade Controls Policy, Bureau of Political-Military Affairs, Department of State, (202) 663-2865.

**SUPPLEMENTARY INFORMATION:** The Department of State published a final rule (Public Notice 6300) in the **Federal Register** of July 18, 2008, amending Part 122 of the International Traffic in Arms Regulations.

In rule FR Doc. E8-16537 published on July 18, 2008 (73 FR 41258), make the following correction.

1. On page 41258, second column, "RIN 1400-AC50" should read "RIN 1400-AC51."

Dated: September 4, 2008.

**Robert S. Kovac,**

*Managing Director, Directorate of Defense Trade Controls, Department of State.*

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## **DEPARTMENT OF THE TREASURY**

### **Fiscal Service**

### **31 CFR Part 210**

**RIN 1510-AB00**

### **Federal Government Participation in the Automated Clearing House**

**AGENCY:** Financial Management Service, Fiscal Service, Treasury.

**ACTION:** Final rule.

**SUMMARY:** We are amending our regulation governing the use of the Automated Clearing House (ACH) system by Federal agencies. The rule adopts, with some exceptions, the ACH Rules developed by NACHA—The Electronic Payments Association (NACHA) as the rules governing the use of the ACH Network by Federal