The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered,* That respondent Toshiba America, Inc., a corporation, its successors and assigns and its officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device in connection with the advertising, offering for sale, sale or distribution of microwave ovens or other products in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or indirectly, that:

1. The Department of Health, Education, and Welfare has issued a final performance standard or standards under the "Radiation Control Act" governing microwave oven leakage which will become effective on a designated date unless such standard or regulation has in fact been officially promulgated and is then officially scheduled to become effective on the represented date; or misrepresenting, in any manner any governmental, industry or other regulation or standard.

2. Every 1970 model Toshiba microwave oven complies with the proposed radiation emission standard promulgated by the Secretary of Health, Education, and Welfare pursuant to the "Radiation Control Act"; or misrepresenting, in any manner, the nature or extent to which any products comply with or conform to any governmental, industry or other regulation or standard.

3. Every 1970 model Toshiba microwave oven has been tested or checked by Toshiba for compliance with the proposed radiation emission standard promulgated by the Secretary of Health, Education, and Welfare pursuant to the "Radiation Control Act"; or misrepresenting, in any manner, the nature or extent to which any products have been tested to determine compliance with or conformity to any governmental, industry or other regulation or standard.

4. Every 1970 model Toshiba microwave oven available for resale to the purchasing public does not emit more than 5 milliwatts radiation leakage per square centimeter; or misrepresenting, in any manner, the radiation leakage of any products.

5. The 1970 model Toshiba microwave ovens have been tested for radiation leakage and have been approved by either Underwriters' Laboratories, Inc., or by the Federal Communications Commission; or misrepresenting, in any manner, that any private or governmental organization has tested or approved any products.

II. *It is further ordered,* That respondent, Norman, Craig & Kummel, Inc., its successors and assigns, and its officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device in connection with the advertising, offering for sale, sale or distribution of microwave ovens or other microwave products in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing directly or by implication, the issuance and effectiveness of any governmental, industry or other regulation or standard when respondent, Norman, Craig & Kummel, Inc., knew or should have known that such representation was false or deceptive;

2. Representing directly or by implication that any such product complies with or conforms to any governmental, industry or other regulation or standard, when respondent, Norman, Craig & Kummel, Inc., knew or should have known that such representation was false or deceptive;

3. Representing directly or by implication the nature or extent to which any such product has been tested to determine compliance with or conformity to any governmental, industry or other regulation or standard when respondent, Norman, Craig & Kummel, Inc., knew or should have known that such representation was false or deceptive;

4. Representing directly or by implication the radiation leakage of any product when respondent, Norman, Craig & Kummel, Inc., knew or should have known that such representation was false or deceptive;

5. Representing directly or by implication that any such product has been tested or approved by any private or governmental program when respondent, Norman, Craig & Kummel, Inc., knew or should have known that such representation was false or deceptive.

III. *It is further ordered,* That respondents shall forthwith distribute a copy of this order to each of their operating departments, divisions, and subsidiaries engaged in the advertising, offering for sale, sale or distribution of consumer products manufactured or imported by Toshiba America, Inc.

It is further ordered, That respondent Toshiba America, Inc., deliver a copy of this order to each of its nonsubsidiary distributors and retailers, with whom Toshiba deals directly, engaged in the advertising, offering for sale, sale or distribution of microwave ovens and other consumer products manufactured or imported by Toshiba America, Inc.

It is further ordered, That each respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That each respondent herein shall within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

Issued: July 3, 1972.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.72-12822 Filed 8-14-72;8:46 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 72-213]

MERCHANDISE ENTERED IN THE VIRGIN ISLANDS

Documents Required on Entry

On January 4, 1972, there was published in the FEDERAL REGISTER (37 F.R. 19) a notice of proposed ruling which would require certain documents to be filed upon the entry into the Virgin Islands of the United States from the Customs territory of the United States of merchandise claimed to be duty free as the growth, product, or manufacture of the Customs territory of the United States. The purpose of the ruling is to enable Customs officers to determine the origin of such merchandise to insure the collection of the proper amount of duty. Interested parties were given an opportunity to submit in writing relevant data, views, or arguments regarding the proposed ruling.

After full consideration of all materials submitted and under the authority vested in the Secretary of the Treasury by section 36 of the Act of June 22, 1936, to make rules and regulations deemed necessary for the administration of the Customs laws in the Virgin Islands, which authority was delegated to the Commissioner of Customs by Treasury Department Order No. 165, Revised (T.D. 53634, 19 F.R. 7241), the following ruling is hereby adopted:

Upon entry into the Virgin Islands of the United States from the Customs territory of the United States of merchandise claimed to be duty free as the growth, product, or manufacture of the Customs territory of the United States, the following documents shall be filed in addition to the documents ordinarily required:

(1) When the entire shipment of merchandise is claimed to be duty free as the growth, product, or manufacture of the Customs territory of the United States, a declaration, in duplicate, by the importer, owner, consignee, or agent, in substantially the following form:

Vessel or Aircraft________________________

Bill of Lading No.________________________

Date of Arrival___________________________

I, _______________________________________
(importer, owner, consignee, or agent)

of ______________________ do hereby de-
(name of firm)
clare that the above-described shipment contains only merchandise which is the

growth, product, or manufacture of the Customs territory of the United States.

Signature ------------------------

Date ----------------------------

(2) When a part, but not the entire shipment, is claimed to be duty free as the growth, product, or manufacture of the Customs territory of the United States, a declaration shall be made, in duplicate, by the importer, owner, consignee, or agent, in substantially the following form:

Vessel or Aircraft------------------------

Bill of Lading No.----------------------

Date of Arrival---------------------------

I, ------------------------------------
(importer, owner, consignee, or agent)

of ------------------------ do hereby de-
(name of firm)
clare that the above-described shipment contains merchandise which is not the growth, product, or manufacture of the Customs territory of the United States. An entry will be made for that part of the shipment which is not the growth, product, or manufacture of the Customs territory of the United States within the prescribed time limits.

Signature ------------------------

Date ----------------------------

(3) A copy of the commercial invoice or, if necessary, a pro forma invoice. Each line or item of the invoice shall be marked by the importer, owner, consignee or agent, to indicate the country of origin of the imported merchandise.

If the District Director in the Virgin Islands is satisfied that all the requirements of the law have been met, he may waive the requirements for filing the documents provided for in (1), (2), and (3) above.

As used above, the term "Customs territory of the United States" includes the States, the District of Columbia, and Puerto Rico.

Effective date. The above ruling shall become effective 30 days after the date of its publication in the FEDERAL REGISTER.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: August 7, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-12875 Filed 8-14-72;8:52 am]

[T.D. 72-211]

ENFORCEMENT OF CUSTOMS AND NAVIGATION LAWS

Inspection, Search, and Seizure

On February 26, 1972, notice of proposed rule making regarding regulations pertaining to enforcement of Customs and navigation laws and inspection, search, and seizure along with miscellaneous amendments to Chapter I of Title 19 of the Code of Federal Regulations was published in the FEDERAL REGISTER (37 F.R. 4084). Interested persons were given 60 days to submit written comments, suggestions, or objections regarding the proposed regulations. No comments were received.

The proposed new Parts 161 and 162, and the miscellaneous amendments to Chapter I of Title 19 of the Code of Federal Regulations are hereby adopted as set forth below.

As part of the revision there is included a parallel reference table showing the relationship between the newly adopted sections and those which they supersede in 19 CFR Part 23.

Effective date. This revision and the conforming amendments shall become effective 30 days after the date of publication in the FEDERAL REGISTER.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: August 3, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

PART 1—GENERAL PROVISIONS

Part 1 is amended by adding § 1.9 to read as follows:

§ 1.9 Identification cards.

(a) Each Customs employee, other than an officer of the Customs Agency Service, who needs identification in the performance of his official duties shall be furnished an identification card on Customs Form 3135.

(b) The Commissioner will issue identification cards in appropriate cases to principal field officers. Each principal field officer shall be the issuing officer for the employees under his jurisdiction.

(c) Special identification cards signed by the Commissioner, shall be issued to officers of the Customs Agency Service. All officers of the Customs Agency Service are authorized to carry weapons in the performance of their official duties, and specific authorization is therefore omitted from their identification cards.

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 5 U.S.C. 301, 19 U.S.C. 66, 1624)

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

§ 4.12 [Amended]

In § 4.12(a)(5), the first sentence is amended by substituting "162.31" for "23.23" and the second sentence is amended by substituting "162.43" for "23.12".

Part 4 is amended by adding § 4.66b to read as follows:

§ 4.66b Pollution of coastal and navigable waters.

(a) When any Customs officer has reason to believe that any refuse matter is being or has been deposited in navigable waters in violation of section 13 of the Act of March 3, 1899 (33 U.S.C. 407), or that oil is being or has been discharged into or upon the coastal navigable waters of the United States in violation of the Oil Pollution Act of 1924 (33 U.S.C. 431–437) he shall promptly furnish to the district director a full report of the incident, together with the names of the witnesses, and, when practicable, a sample of the material discharged from the vessel in question.

(b) The district director shall forward this report immediately, without recommendation, to the District Engineer of the Department of the Army (at New York to the Supervisor of New York Harbor) for his decision as to prosecution and a copy of each such report shall be furnished to the bureau.

(c) If the vessel involved is of American registry, a copy of the report shall be furnished also to the District Commander of the Coast Guard district concerned.

(Sec. 13, 30 Stat. 1152, sec. 7, 43 Stat. 605, as amended; 33 U.S.C. 407, 436)

Part 4 is amended by adding § 4.100 to read as follows:

§ 4.100 Licensing of vessels of less than 30 net tons.

(a) The application for a license to import merchandise in a vessel of less than 30 net tons in accordance with section 6, Anti-Smuggling Act of August 5, 1935, shall be addressed to the Secretary of the Treasury and delivered to the district director of the district in which are located the ports where foreign merchandise is to be imported in such vessel.

(b) The application shall contain the following information:

(1) Name of the vessel, rig, motive power, and home port.

(2) Name and address of the owner.

(3) Name and address of the master.

(4) Net tonnage of the vessel.

(5) Kind of merchandise to be imported.

(6) Country or countries of exportation.

(7) Ports of the United States where the merchandise will be imported.

(8) Whether the vessel will be used to transport and import merchandise from a hovering vessel.

(9) Kind of document under which the vessel is operating.

(c) If the district director finds that the applicant is a reputable person and that the revenue would not be jeopardized by the issuance of a license, he may issue the license for a period not to exceed 12 months, incorporating therein any special conditions he believes to be necessary or desirable, and deliver it to the licensee.

(d) The master or owner shall keep the license on board the vessel at all times and exhibit it upon demand of any duly authorized officer of the United States. This license is personal to the licensee and is not transferable.

(e) The Secretary of the Treasury or the district director in whose office the license was issued may revoke the license if any of its terms have been willfully or intentionally violated or for any other cause which may be considered prejudicial to the revenue or otherwise against the interest of the United States.

(Sec. 6, 49 Stat. 519; 19 U.S.C. 1706)

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

§ 8.25 [Amended]

In § 8.25, the last sentence in paragraph (d) is amended by substituting "162.51" for "23.20".

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 23—ENFORCEMENT OF CUSTOMS AND NAVIGATION LAWS

Part 23 is amended by deleting all sections and footnotes appended thereto, except §§ 23.4 and 23.5.

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 123—CUSTOMS RELATIONS WITH CANADA AND MEXICO

§ 123.71 [Amended]

In § 123.71, the last sentence is amended by substituting "Subpart B of Part 162", for "§ 23.11".

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 161—GENERAL ENFORCEMENT PROVISIONS

Chapter I of Title 19 is amended by adding a new Part 161 to read as follows:

AUTHORITY: The provisions of this Part 161 issued under 80 Stat. 379, R.S. 251, as amended, sec. 624, 46 Stat. 759, 5 U.S.C. 301, 19 U.S.C. 66, 1624. Statutory provisions interpreted or applied and additional authority are cited in parentheses following the sections affected.

§ 161.0 Scope.

The provisions of this part set forth the authority and responsibility of Customs officers in the enforcement of Customs laws of the United States. Also included are provisions relating to import and export controls enforced for other administering agencies, prosecution for violation of Customs laws, bribery of Customs officers and employees, the compromise of Government claims and informer's compensation.

Subpart A—General Provisions

§ 161.1 Customs supervision.

Whenever any action or thing is required by the regulations in this chapter, or by any provision of the Customs or navigation laws, to be done or maintained under the supervision of Customs officers, such supervision shall be carried out as prescribed in the regulations of this chapter, or by instructions from the Secretary of the Treasury, or the Commissioner of Customs in particular cases. In the absence of a governing regulation or instruction, supervision shall be direct and continuous, or by such occasional verification as the principal Customs field officer shall direct if such officer shall determine that less intensive supervision will ensure proper enforcement of the law and protection of the revenue. Nothing in this section shall be deemed to warrant any failure to direct and furnish required supervision or to excuse any failure of a party in interest to comply with prescribed procedures for obtaining any required supervision.

(Sec. 22, 67 Stat. 520; 19 U.S.C. 1646a)

§ 161.2 Enforcement for other agencies.

(a) *Laws enforced by Customs Service for administering agencies.* Some of the laws enforced in whole or in part by the Customs Service for administering agencies are:

(1) Importations and exportations of arms, ammunition, implements of war, helium gas, and other munitions of war are governed by laws administered by the Internal Revenue Service and Department of State;

(2) Importations and exportations of controlled substances are governed by laws administered by the Bureau of Narcotics and Dangerous Drugs of the Department of Justice;

(3) Importations and exportations of gold are governed by laws administered by the Department of the Treasury;

(4) Importations and exportations of atomic energy source material, fissionable material, and equipment and devices for utilizing or producing fissionable material are subject to laws administered by the Atomic Energy Commission; and

(5) The exportation of articles, other than those previously mentioned herein, are subject to requirements of laws administered by the Department of Commerce.

(b) *Seizure for violation of law.* When articles are imported or are intended to be, are being, or have been exported from the United States in violation of law, such articles and any vessel, vehicle, or aircraft knowingly used in their transportation shall be seized and proceeded against.

(Sec. 5(b), 40 Stat. 415, as amended, 62 Stat. 716, sec. 502, 68 Stat. 1140, sec. 1, 40 Stat. 223, as amended, sec. 4, 48 Stat. 340, secs. 4, 7, 60 Stat. 759, 764, sec. 414, 68 Stat. 848, as amended; 12 U.S.C. 95a, 18 U.S.C. 545, 19 U.S.C. 1595(a), 22 U.S.C. 401, 31 U.S.C. 443, 42 U.S.C. 1804, 1807, 22 U.S.C. 1934)

§ 161.3 Prosecution for violation of Customs laws.

When there is a seizure or other violation of the Customs laws which requires legal proceedings by civil or criminal action, the district director or special agent in charge of the area involved shall furnish a report to the United States attorney in accordance with section 603, Tariff Act of 1930, as amended (19 U.S.C. 1603). Action shall be taken under section 545, title 18, United States Code, only when there is clear indication of a violation of some specific provision of law.

(Sec. 603, 46 Stat. 754, as amended, sec. 1, 62 Stat. 716; 18 U.S.C. 545, 19 U.S.C. 1603)

§ 161.4 Bribery of Customs officers and employees.

If, upon investigation, it is determined that money or anything of value was given, offered, or promised to a Customs officer or employee with the intent to control or influence such officer or employee in the performance of his official duties, the matter shall be referred to the United States attorney for prosecution under section 201, title 18, United States Code.

(Sec. 1, 76 Stat. 1119, as amended; 18 U.S.C. 201)

§ 161.5 Compromise of Government claims.

(a) *Offer.* An offer made pursuant to section 617, Tariff Act of 1930, as amended (19 U.S.C. 1617), in compromise of a Government claim arising under the Customs laws and the terms upon which it is made shall be stated in writing addressed to the Commissioner of Customs. The offer shall be limited to the civil liability of the proponent in the matter which is the subject of the Government's claim.

(b) *Deposit of specific sum tendered.* No offer in which a specific sum of money is tendered in compromise of a Government claim under the Customs laws will be considered by the Commissioner of Customs until due notice is received that such sum has been properly deposited in the name of the person submitting the offer with the Treasurer of the United States or a Federal Reserve bank. A proponent at a distance from a Federal Reserve bank may perfect his offer by tendering a bank draft for the amount of the offer payable to the Secretary of the Treasury for collection and deposit. If the offer is rejected, the money will be returned to the proponent.

(Sec. 617, 46 Stat. 757, as amended; 19 U.S.C. 1617)

Subpart B—Informer's Compensation

§ 161.11 Claim for compensation by informer.

(a) *Persons not officers of United States.* Any person not an officer of the United States who, in accordance with section 619, Tariff Act of 1930, as amended (19 U.S.C. 1619), detects, seizes, and reports any vessel, vehicle, merchandise, or baggage subject to seizure and forfeiture under the Customs or navigation laws, or who furnishes original information concerning any fraud upon the Customs revenue or a violation of the Customs or navigation laws perpetrated or contemplated, may file a claim for an award of compensation. Any Customs officer to whom the information is furnished shall advise the informant of his right to claim such an award.

(b) *Officer of the United States.* Officers of the United States are precluded by section 620, Tariff Act of 1930 (19 U.S.C. 1620) from directly or indirectly receiving or contracting for any portion of a compensation award.

(Sec. 619, 620, 46 Stat. 758, as amended; 19 U.S.C. 1619, 1620)

§ 161.12 Filing of claim.

A claim for an award of compensation shall be filed in duplicate on Customs Form 4623 with the district director, but any Customs officer may receive such a claim for transmittal to the district director. Additional copies of the claim required by the district director shall be furnished on demand. Application may be made directly to the Commissioner of Customs where for any reason a claim has not been transmitted by the district director to the Commissioner. No claim for compensation shall be forwarded to the Commissioner unless a sum of not less than $5 is available for an award.

(Sec. 619, 46 Stat. 758, as amended; 19 U.S.C. 1619)

§ 161.13 Limitation on claims.

Claimants may be paid 25 per centum of the net amount recovered from duties withheld, or any fine, penalty, or forfeiture incurred, but such amount shall not exceed $50,000 regardless of the number of recoveries growing out of the information furnished.

(Sec. 619, 46 Stat. 758, as amended; 19 U.S.C. 1619)

§ 161.14 Payment of claims.

No claim under section 619, Tariff Act of 1930, as amended (19 U.S.C. 1619), shall be paid until the amount recovered has been deposited in the proper account. Claims shall not be paid out of the proceeds of sale.

(Sec. 619, 46 Stat. 758, as amended; 19 U.S.C. 1619)

§ 161.15 Informer's name confidential.

The informer's name and address shall be kept confidential. No files nor information concerning the informer shall be permitted to get into the possession of unauthorized persons. No information shall be revealed which might aid the offenders in identifying the informer.

PART 162—INSPECTION, SEARCH, AND SEIZURE

Chapter I of Title 19 is amended by adding a new Part 162 to read as follows:

AUTHORITY: The provisions of this Part 162 issued under 80 Stat. 379, R.S. 251, as amended, sec. 624, 46 Stat. 759, 5 U.S.C. 301, 19 U.S.C. 66, 1624. The provisions of subpart B also issued under sec. 595, 46 Stat. 752, as amended; 19 U.S.C. 1595. Statutory provisions interpreted or applied and additional authority are cited in parentheses following the sections affected.

§ 162.0 Scope.

This part sets forth the provisions for the inspection, examination, and search of persons, vessels, aircraft, vehicles, and merchandise involved in importation, for the seizure of property and the forfeiture and sale thereof. It also contains provisions for Customs enforcement of the controlled substances, narcotics and marihuana laws. Provisions relating to petitions for remission or mitigation of fines, penalties, and forfeitures incurred are contained in Part 171 of this chapter.

Subpart A—Inspection, Examination, and Search

§ 162.1 Inspection of importer's books, records, and other papers.

Before demanding an inspection of any importer's books, correspondence, or records pursuant to section 511, Tariff Act of 1930, as amended (19 U.S.C. 1511), which authorizes such inspections and the prohibition of importations of merchandise or the withholding of delivery of merchandise for an importer failing to permit a duly accredited officer to inspect books, correspondence, or other records, the investigating officer shall present a written request for such inspection signed by the Commissioner of Customs, Regional Commissioner of Customs, district director of Customs, or judge of the U.S. Customs Court.

(Sec. 511, 46 Stat. 733 as amended; 19 U.S.C. 1511)

§ 162.2 Examination of importer and others.

The citation of a person to appear and testify pursuant to section 509, Tariff Act of 1930, as amended (19 U.S.C. 1509), authorizing such examination, shall be in writing and signed by the district director. It shall indicate clearly the merchandise or entries concerning which the examination will be held and the documents required to be presented. It shall be addressed to the person to be examined and shall state the specific time when and place where his personal appearance is required. Such citation shall be served in person or by registered or certified mail.

(Sec. 509, 46 Stat. 733, as amended; 19 U.S.C. 1509)

§ 162.3 Boarding and search of vessels.

(a) *General authority.* A Customs officer, for the purpose of examining the manifest and other documents and papers and examining, inspecting and searching the vessel, may at any time go on board:

(1) Any vessel at any place in the United States or within the Customs waters of the United States;

(2) Any American vessel on the high seas, when there is probable cause to believe that such vessel is violating or has violated the laws of the United States; or

(3) Any vessel within a Customs-enforcement area designated such under the provisions of the Anti-Smuggling Act (Act of August 5, 1935, as amended, 49 Stat. 517; 19 U.S.C. 1701, 1703–1711), but Customs officers shall not board a foreign vessel upon the high seas in contravention of any treaty with a foreign government, or in the absence of a special arrangement with the foreign government concerned.

(b) *Search of army or navy transport.* If the district director or special agent in charge believes that sufficient grounds exist to justify a search of any army or navy transport, the facts shall be reported to the commanding officer or master of such transport with a request that he cause a full search to be made, and advise the district director or special agent in charge of the result of such search. If, after the cargo has been discharged, passengers and their baggage landed, and the baggage of officers and crewmembers examined and passed, the district director or special agent in charge believes that sufficient grounds exist to justify the continuance of Customs supervision of the vessel, the commanding officer of the vessel shall be advised accordingly.

(Secs. 455, 581, 46 Stat. 716, as amended, 747, as amended; 19 U.S.C. 1455, 1581)

§ 162.4 **Search for letters.**

A Customs officer may search vessels for letters which may be on board or may have been conveyed contrary to law on board any vessel or on any post route, and shall seize such letters and deliver them to the nearest post office or detain them subject to the orders of the postal authorities.

(Secs. 604, 605, 84 Stat. 728; 39 U.S.C. 604, 605)

§ 162.5 **Search of arriving vehicles and aircraft.**

A Customs officer may stop any vehicle and board any aircraft arriving in the United States from a foreign country for the purpose of examining the manifest and other documents and papers and examining, inspecting, and searching the vehicle or aircraft.

(Sec. 581, 46 Stat. 747, as amended, sec. 1109, 72 Stat. 799, as amended; 19 U.S.C. 1581, 49 U.S.C. 1509)

§ 162.6 **Search of persons, baggage, and merchandise.**

All persons, baggage, and merchandise arriving in the Customs territory of the United States from places outside thereof are liable to inspection and search by a Customs officer. District directors and special agents in charge are authorized to cause inspection, examination, and search to be made under section 467, Tariff Act of 1930, as amended (19 U.S.C. 1467), of persons, baggage, or merchandise, even though such persons, baggage, or merchandise were inspected, examined, searched, or taken on board the vessel at another port or place in the United States or the Virgin Islands, if such action is deemed necessary or appropriate.

(Secs. 461, 496, 46 Stat. 717, 727, as amended, sec. 11, 52 Stat. 1083, as amended; 19 U.S.C. 1461, 1467, 1496)

§ 162.7 **Search of vehicles, persons, or beasts.**

A Customs officer may stop, search, and examine any vehicle, person, or beast, or search any truck or envelope wherever found, in accordance with section 3061 of the Revised Statutes (19 U.S.C. 482).

Subpart B—Search Warrants

§ 162.11 **Authority to procure warrants.**

Customs officers are authorized to procure search warrants under the provisions of section 595, Tariff Act of 1930, as amended (19 U.S.C. 1595). However, a Customs officer who is lawfully on any premises and is able to identify merchandise which has been imported contrary to law may seize such merchandise without a warrant. If merchandise is in a building on the boundary, see § 123.71 of this chapter.

§ 162.12 **Service of search warrant.**

A search warrant shall be served in person by the officer to whom it is issued and addressed. In serving a search warrant, the officer shall leave a copy of the warrant with the person in charge or possession of the premises, or in the absence of any person, the copy shall be left in some conspicuous place on the premises searched.

§ 162.13 **Search of rooms not described in warrant.**

When a Customs officer is acting under a warrant to search the rooms in a building occupied by persons named or described in the warrant, no search shall be made of any rooms in such building which are not described in the warrant as occupied by such persons.

§ 162.14 **Removal of letters and other documents.**

Customs officers to whom a warrant is issued to search for and seize merchandise are without authority to remove letters and other documents and records, unless they themselves are instruments of crime and are seized as an incident to a lawful arrest.

§ 162.15 **Receipt for seized property.**

A receipt for property seized under a search warrant shall be left with the person in charge or possession of the premises, or in the absence of any person, the receipt shall be left in some conspicuous place on the premises searched.

Subpart C—Seizures

§ 162.21 **Responsibility and authority for seizures.**

(a) *Seizures by Customs officers.* Any Customs officer having reasonable cause to believe that any law, the enforcement of which is within the jurisdiction of the Customs Service, has been violated by reason of which any property has become subject to forfeiture, shall seize such property if available. A receipt for seized property shall be given at the time of seizure to the person from whom the property is seized.

(b) *Seizure by persons other than Customs officers.* The district director may adopt a seizure made by a person other than a Customs officer if such district director has reasonable cause to believe that the property is subject to forfeiture under the Customs laws.

(c) *Seizure by State official.* If a duly constituted State official has seized any merchandise, vessel, aircraft, vehicle, or other conveyance under provisions of the statutes of such State, such property shall not be seized by a Customs officer unless the property is voluntarily turned over to him to be proceeded against under the Federal statutes.

(R.S. 3061, secs. 581, 582, 602, 46 Stat. 747, as amended, 748, 754, as amended; 19 U.S.C. 482, 1581, 1582, 1602)

§ 162.22 **Seizure of conveyances.**

(a) *General applicability.* If it shall appear to any officer authorized to board conveyances and make seizures that there has been a violation of any law of the United States whereby a vessel, vehicle, aircraft, or other conveyance, or any merchandise on board of or imported by such vessel, vehicle, aircraft, or other conveyance is liable to forfeiture, the officer shall seize such conveyance and arrest any person engaged in such violation. Common carriers are exempted from seizure except under certain specified conditions as provided for in section 594, Tariff Act of 1930 (19 U.S.C. 1594).

(b) *Facilitating importation contrary to law.* Every vessel, vehicle, animal, aircraft, or other conveyance which is being or has been used in, or to aid or facilitate, the importation, bringing in, unlading, landing, removal, concealing, harboring, or subsequent transportation of any article which is being, or has been introduced or attempted to be introduced into the United States contrary to law, shall be seized and held subject to forfeiture, and any person who directs, assists financially or otherwise, or is in any way concerned in any such unlawful activity shall be liable to a penalty equal to the value of the article or articles involved.

(c) *Common carrier clearance.* Unless specifically authorized by law, clearance of vessels within the common carrier exception of section 594, Tariff Act of 1930 (19 U.S.C. 1594), shall not be refused for the purpose of collecting a fine imposed upon the master or owner, unless either of them was a party to the illegal act. The Government's remedy in such cases is limited to an action against the master or owner.

(d) *Retention of vessel or vehicle pending penalty payment.* If a penalty is incurred under section 460, Tariff Act of 1930, as amended (19 U.S.C. 1460), by a person in charge of a vessel or vehicle and the vessel or vehicle is not subject to seizure, such vessel or vehicle may be held by the district director under section 594, Tariff Act of 1930, until the penalty incurred by the person in charge has been settled.

(e) *Maritime Administration vessels; exemption from penalty.* (1) When a vessel owned or chartered under bareboat charter by the Maritime Administration and operated for its account becomes liable for the payment of a penalty incurred for violation of the Customs revenue or navigation laws, clearance of the vessel shall not be withheld nor shall any proceedings be taken against the vessel itself looking to the enforcement of such liability.

(2) This exemption shall not in any way be considered to relieve the master of any such vessel or other person incurring such penalties from personal liability for payment.

(Sec. 1, 62 Stat. 717, secs. 459, 460, 594, 46 Stat. 717, as amended, 751, secs. 1, 3-8, 49 Stat. 517, 518, 519, as amended, 520; 18 U.S.C. 546, 19 U.S.C. 1459, 1460, 1594, 1701, 1703-1708)

Subpart D—Procedure When Fine, Penalty, or Forfeiture Incurred

§ 162.31 Notice of fine, penalty, or forfeiture incurred.

(a) *Notice.* Written notice of any fine or penalty incurred as well as any liability to forfeiture shall be given to each party that the facts of record indicate has an interest in the claim or seized property. The notice shall also inform each interested party of his right to apply for relief under section 618, Tariff Act of 1930, as amended (19 U.S.C. 1618), or any other applicable statute authorizing mitigation of penalties or remission of forfeitures, in accordance with Part 171 of this chapter.

(b) *Demand for deposit in case of smuggled articles of small value.* In the case of smuggled articles of small value, demand shall be made for immediate deposit of an amount equivalent to the domestic value of the articles on account of the liability to a penalty incurred as distinct from liability of the goods to forfeiture. Such sum shall be deposited whether or not a petition for relief is filed in accordance with Part 171 of this chapter. A demand for deposit need not be made in connection with any liability incurred by the master of a vessel under the provisions of section 453, Tariff Act of 1930, as amended (19 U.S.C. 1453).

§ 162.32 Where petition for relief not filed.

(a) *Fines and penalties.* If the person liable for a fine or penalty for any violation of the Customs or navigation laws fails to petition for relief in accordance with Part 171 of this chapter, or pay or arrange to pay the penalty within 60 days from the date of mailing of the notice of violation as provided in section 162.31, the case shall be referred immediately to the U.S. attorney for appropriate action unless other action is expressly authorized by the Commissioner of Customs. However, if it appears that the person liable for the penalty is absent from the United States or during the 60-day period was absent for more than 30 days, the district director may withhold referral for a further reasonable time.

(b) *Appraised value of seized property exceeds $2,500.* When the appraised value of seized property exceeds $2,500 and neither a petition for relief in accordance with Part 171 of this chapter nor an offer to pay the domestic value as provided for in § 162.44 is made within a reasonable time, the district director shall report the facts to the U.S. attorney for the judicial district in which the seizure was made.

(Secs. 603, 610, 46 Stat. 754, as amended, 755, as amended; 19 U.S.C. 1603, 1610)

Subpart E—Treatment of Seized Merchandise

§ 162.41 Merchandise entered by false invoice, declaration, other document or statement subject to forfeiture.

(a) *Election to proceed against merchandise or value when forfeiture incurred.* When merchandise or the value thereof is subject to forfeiture under section 592, Tariff Act of 1930, as amended (19 U.S.C. 1592), including any article seized under the provisions of section 499, Tariff Act of 1930, as amended (19 U.S.C. 1499), the district director may elect to proceed against the merchandise or its domestic value. However, if the merchandise is in the possession of an innocent purchaser, it shall not be seized. In such cases, or when the merchandise is not available for seizure, the district director shall proceed to recover the domestic value.

(b) *Claim for domestic value unpaid.* If a claim for domestic value is made by the district director, and it is not paid or settled as prescribed in this part or Part 171 of this chapter, the claim shall be forwarded to the U.S. attorney for appropriate action.

(c) *Liability for duties unaffected by forfeiture.* When an entry covering merchandise subject to the provisions of section 592, Tariff Act of 1930, as amended, has been made, it shall be liquidated and the duties collected as though no forfeiture had been incurred. Appraisement of the merchandise or liquidation of the entry shall not be withheld because of the pending forfeiture proceedings. When merchandise not covered by an entry is subject to section 592, Tariff Act of 1930, as amended, a demand shall be made on the importer for payment of the duty estimated to be due on such merchandise in addition to the seizure of the merchandise or the demand for forfeiture value. Any applicable internal revenue tax shall also be demanded unless the merchandise is to be, or has been, forfeited.

§ 162.42 Proceedings by libel.

If seizure is made under a statute which provides that the property may be seized and proceeded against by libel, the summary forfeiture procedures set forth in §§ 162.45, 162.46, and 162.47 do not apply. Such cases shall be referred to the U.S. attorney. The district director may request the U.S. attorney to seek a decree of forfeiture providing for delivery of the property to the district director for sale or other appropriate disposition, if such property is not to be retained for official use.

§ 162.43 Appraisement.

(a) *Property under seizure and subject to forfeiture.* Seized property shall be appraised as required by section 606, Tariff Act of 1930, as amended (19 U.S.C. 1606). The term "domestic value" as used therein shall mean the price at which such or similar property is freely offered for sale at the time and place of appraisement, in the same quantity or quantities as seized, and in the ordinary course of trade. If there is no market for the seized property at the place of appraisement, such value in the principal market nearest to the place of appraisement shall be reported.

(b) *Property not under seizure.* With respect to property not under seizure, the basis for the claim for forfeiture value or for assessment of penalty is the domestic value as defined in paragraph (a) of this section, except that the value shall be fixed as of the date of the violation. In the case of entered merchandise, the date of the violation shall be the date of the entry, or the date of the filing of the document, or the commission of the act forming the basis of the claim, whichever is later.

(c) *Prohibited importation.* For the purpose of condemnation or forfeiture only, the value of all seized merchandise, the importation of which is prohibited, shall be held not to exceed $2,500. However, seized merchandise, the importation of which is absolutely prohibited, shall be appraised at its foreign-market value, since such merchandise has no domestic value.

(Secs. 606, 608, 46 Stat. 754, as amended, 755 as amended; 19 U.S.C. 1606, 1608)

§ 162.44 Release on payment of appraised value.

(a) *Value exceeding $50,000.* Any offer to pay the appraised domestic value of seized merchandise in order to obtain the immediate release of property which was seized under the Customs laws and exceeding $50,000 in appraised domestic value, or which was seized under the navigation laws, shall be in writing, addressed to the Commissioner of Customs, signed by the claimant or his attorney, and shall contain an assent to forfeiture and a waiver of further proceedings. It shall be submitted in duplicate to the district director for the district in which the property was seized. Proof of ownership shall be submitted with the application if the facts in the case make such action necessary.

(b) *Value not over $50,000*—(1) *Authority to accept offer.* The district director is authorized to accept a written offer pursuant to section 614, Tariff Act of 1930, as amended (19 U.S.C. 1614), to pay the appraised domestic value of property seized under the Customs laws and to release such property if:

(i) The appraised domestic value of the seized property does not exceed $50,000;

(ii) The district director is satisfied that the claimant has, in fact, a substantial interest in the property;

(iii) Entry of the seized property into the commerce of the United States is not prohibited by law; and

(iv) The claimant or his attorney has executed an assent to forfeiture and a waiver of further proceedings on Customs Form 4607.

(2) *Referral of offer.* The district director shall refer to the Commissioner

of Customs any offer where it appears that the claimant does not have a substantial interest in the seized property or where it appears it would not be in the best interest of the United States to accept.

(c) *Retention of property.* The district director shall retain custody of the property pending payment of the amount of the offer when the application is approved.

(Sec. 614, 46 Stat. 757, as amended; 19 U.S.C. 1614)

§ 162.45 Summary forfeiture where value not over $2,500: Notice of seizure and sale.

(a) *Contents.* The notice required by section 607, Tariff Act of 1930, as amended (19 U.S.C. 1607), of seizure and intent to forfeit and sell or otherwise dispose of according to law property not exceeding $2,500 in value shall:

(1) Describe the property seized and in the case of motor vehicles, specify the motor and serial numbers;

(2) State the time, cause, and place of seizure;

(3) State that any person desiring to claim the property must appear at a designated place and file with the district director within 20 days from the date of the first publication of the notice a claim to such property and a bond in the sum of $250, in default of which the property will be disposed of in accordance with the law; and

(4) State the name and place of residence of the person to whom any vessel or merchandise seized for forfeiture under the navigation laws belongs or is consigned, if that information is known to the district director.

(b) *Publication.* When the appraised value of any property in one seizure from one person other than narcotics and dangerous drugs exceeds $250, the notice shall be published in a newspaper of general circulation in the Customs district and the judicial district in which the property was seized for at least 3 successive weeks. In all other cases, the notice shall be published by posting in a conspicuous place accessible to the public in the customhouse nearest the place of seizure and in the customhouse at the headquarters port for the Customs district, with the date of posting noted thereon, and shall be kept posted for at least 3 successive weeks. Articles of small value of the same class or kind included in two or more seizures shall be advertised as one unit.

(c) *Delay of publication.* Publication of the notice of seizure and intent to summarily forfeit and dispose of goods valued not over $2,500 may be delayed for a period not to exceed 60 days in those cases where the district director has reason to believe that a petition for administrative relief in accord with Part 171 of this chapter will be filed.

§ 162.46 Summary forfeiture where value not over $2,500: Disposition of goods.

(a) *General.* If no petition for relief from the forfeiture is filed in accordance with the provision of Part 171 of this chapter, or if a petition was filed and has been denied, and the property is not retained for official use, it shall be disposed of in accordance with section 609, Tariff Act of 1930, as amended (19 U.S.C. 1609).

(b) *Articles required to be inspected by other Government agencies.* Before seized drugs, insecticides, seeds, plants, nursery stock, and other articles required to be inspected by other Government agencies are sold, they shall be inspected by a representative of such agency to ascertain whether or not they meet the requirements of the laws and regulations of that agency, and if found not to meet such requirements, they shall be destroyed forthwith.

(c) *Sale*—(1) *General.* If the forfeited property is cleared for sale, it shall be sold in accordance with the applicable provisions of Part 20 of this chapter. The district director may postpone the sale of small seizures until he believes the proceeds of a consolidated sale will pay all expenses.

(2) *Transfer to another district for sale.* Property shall be moved to and sold in such other Customs district as the Commissioner of Customs may direct pursuant to the provisions of section 611, Tariff Act of 1930 (19 U.S.C. 1611), if:

(i) The laws of a State in which property is seized and forfeited prohibit the sale of such property; or

(ii) The Commissioner is of the opinion that the sale of forfeited property may be made more advantageously in another Customs district.

(d) *Destruction.* If, after summary forfeiture of property is completed, it appears that the proceeds of sale will not be sufficient to pay the costs of sale, the district director may order the destruction of the property. Any vessel or vehicle summarily forfeited for violation of any law respecting the Customs revenue may be destroyed in lieu of the sale thereof when such destruction is authorized by the Commissioner of Customs to protect the revenue.

(Secs. 609, 611, 46 Stat. 755, as amended, sec. 5, 49 Stat. 519; 19 U.S.C. 1609, 1611, 1705)

§ 162.47 Claim for property subject to summary forfeiture.

(a) *Filing of claim.* Any person desiring to claim under the provisions of section 608, Tariff Act of 1930 (19 U.S.C. 1608), seized property not exceeding $2,500 in value and subject to summary forfeiture, shall file a claim to such property with the district director within 20 days from the date of the first publication of the notice prescribed in section 162.45.

(b) *Bond for costs.* The bond in the penal sum of $250 required by section 608, Tariff Act of 1930, to be filed with a claim for seized property shall be on Customs Form 4615. There shall be endorsed on the bond a list or schedule in substantially the following form which shall be signed by the claimant in the presence of the witnesses to the bond, and attested by the witnesses:

List or schedule containing a particular description of seized article, claim for which is covered by the within bond, to wit:

The foregoing list is correct.

-------------------------, Claimant

Attest:

(c) *Claimant not entitled to possession.* The filing of a claim and the giving of a bond pursuant to section 608, Tariff Act of 1930, shall not be construed to entitle the claimant to possession of the property. Such action only stops the summary forfeiture proceeding.

(d) *Report to the U.S. attorney.* When the claim and bond are filed within the 20-day period, the district director shall report the case to the U.S. attorney for the institution of condemnation proceedings.

(Sec. 608, 46 Stat. 755, as amended; 19 U.S.C. 1608)

§ 162.48 Summary sale of perishable and other property valued not over $2,500.

Seized property which is perishable or otherwise enumerated in section 612, Tariff Act of 1930, as amended (19 U.S.C. 1612), and is valued at not over $2,500 shall be advertised for sale and sold at public auction at the earliest possible date. The district director shall proceed to give notice by advertisement of the summary sale for such time as he considers reasonable. This notice shall be of sale only and not notice of seizure and intent to forfeit. The proceeds of the sale shall be held subject to the claims of parties in interest in the same manner as the seized property would have been subject to such claims.

(Sec. 612, 46 Stat. 756, as amended; 19 U.S.C. 1612)

§ 162.49 Forfeiture by court decree.

(a) *Report to the U.S. attorney.* When it is necessary to institute legal proceedings in order to forfeit seized property, or to forfeit the value of property subject to forfeiture, the district director or the special agent in charge of the area involved shall furnish a report to the U.S. attorney in accordance with the provisions of section 603, Tariff Act of 1930, as amended (19 U.S.C. 1603).

(b) *Bonding of seized property.* When a claimant desires to file a bond for the release of seized property which is the subject of a court proceeding, he shall be referred to the U.S. attorney. The Government is entitled to recover the penal sum of the bond if forfeiture is then decreed.

(Sec. 201, 72 Stat. 1412; 26 U.S.C. 5688(c))

§ 162.50 Forfeiture by court decree: Disposition.

(a) *Sale.* Forfeited property decreed by the court for sale or disposition by the district director shall be disposed of in the same manner as property summarily forfeited. (See § 162.46.)

(b) *Transfer to other districts for sale.* If the laws of the State in which property is seized and forfeited prohibit the sale of such property, or if the Commissioner of Customs is of the opinion that the sale of forfeited property may be made more advantageously in another Customs district, application may be made to the court to permit disposition in accordance with the provisions of section 611, Tariff Act of 1930 (19 U.S.C. 1611). If the court permits such disposition, the property shall be moved to and sold in such other district as the Commissioner may direct provided it has been cleared for sale.

(c) *Destruction*—(1) *Proceeds of sale not sufficient.* Property forfeited under a decree of any court may be destroyed if it is provided in the decree of forfeiture that the property shall be delivered to the Secretary of the Treasury or the Commissioner of Customs for disposition in accordance with section 611, Tariff Act of 1930 (19 U.S.C. 1611).

(2) *For protection of the revenue.* Any vessel or vehicle forfeited under a decree of any court for violation of any law respecting the Customs revenue may be destroyed in lieu of sale when such destruction is authorized by the Commissioner of Customs to protect the revenue if it is provided in the decree of forfeiture that the property shall be delivered to the Secretary of the Treasury or Commissioner of Customs for disposition under the provisions of 19 U.S.C. 1705.

(Sec. 611, 46 Stat. 755, sec. 5, 49 Stat. 519; 19 U.S.C. 1611, 1705)

§ 162.51 Disposition of proceeds of sale of forfeited property.

(a) *Payment of expense incurred.* Expenses incurred by Customs officers in connection with seizures and forfeitures shall be paid from the Customs appropriation. In the event that the forfeited property has been authorized for transfer to another Federal agency for official use, the receiving agency shall reimburse the Customs appropriation for the costs incurred for moving and storing such property from the date of seizure to the date of delivery. If the property is cleared for sale, the Customs appropriation shall be reimbursed from the proceeds of the sale for all expenses paid from such appropriation in connection with the seizure and forfeiture of such property.

(b) *Distribution of proceeds.* If the forfeiture and sale of property is pursuant to court proceedings, or the imposition of a fine or penalty results from a prosecution instituted in a civil or criminal case under the Customs laws, the sum recovered, after deducting all proper charges for marshal's fees, court costs, and other similar costs, is payable to the district director who shall distribute it without delay in accordance with section 613, Tariff Act of 1930, as amended (19 U.S.C. 1613).

Subpart F—Controlled Substances, Narcotics, and Marihuana

§ 162.61 Importing and exporting controlled substances.

It shall be unlawful to import to or export from the United States any controlled substance or narcotic drug listed in schedules I through V of the Controlled Substances Act (Sec. 202, 84 Stat. 1247; 21 U.S.C. 812), unless there has been compliance with the provisions of said Act, the Controlled Substances Import and Export Act and the regulations of the Bureau of Narcotics and Dangerous Drugs.

(Secs. 1002, 1003, 1007, 84 Stat. 1285, 1286, 1288; 21 U.S.C. 952, 953, 957)

§ 162.62 Permissible controlled substances on vessels, aircraft, and individuals.

Upon compliance with the provisions of the Controlled Substances Act (84 Stat. 1242; 21 U.S.C. 801), the Controlled Substances Import and Export Act (84 Stat. 1285; 21 U.S.C. 951), and the regulations of the Bureau of Narcotics and Dangerous Drugs (21 CFR 301.28, 301.29, 31..28), controlled substances listed in schedules I through V of the Controlled Substances Act may be held:

(a) On vessels engaged in international trade in medicine chests and dispensaries.

(b) In aircraft operated by an air carrier under a certificate or permit issued by the Federal Aviation Administration for stocking in medicine chests and first aid packets.

(c) By an individual where lawfully obtained for personal medical use or for administration to an animal accompanying him to enter or depart the United States.

(Secs. 1002, 1006, 84 Stat. 1285, 1288; 21 U.S.C. 952, 956)

§ 162.63 Arrests and seizures.

Arrests and seizures under the Controlled Substances Act (84 Stat. 1242, 21 U.S.C. 801) and the Controlled Substances Import and Export Act (84 Stat. 1285, 21 U.S.C. 951), shall be handled in the same manner as other Customs arrests and seizures. Controlled substances imported contrary to law shall be seized and forfeited in the manner provided in sections 607 and 608, Tariff Act of 1930, as amended (19 U.S.C. 1607, 1608). (See §§ 162.42 and 162.45.)

(Sec. 511(d), 1016, 84 Stat. 1277, 1291; 21 U.S.C. 881(d), 966)

§ 162.64 Custody of controlled substances.

All controlled substances seized by a Customs officer shall be delivered immediately into the custody of the district director in whose district the seizure is made, together with a full report of the circumstances of the seizure.

(Sec. 511(d), 1016, 84 Sat. 1277, 1291; 21 U.S.C. 881(d), 966)

§ 162.65 Penalties for failure to manifest narcotic drugs or marihuana.

(a) *Cargo or baggage containing unmanifested narcotic drugs or marihuana.* When a package of regular cargo or a passenger's baggage otherwise properly manifested is found to contain any narcotic drug or marihuana imported for sale or other commercial purpose and not shown as such on the manifest, the penalties prescribed in section 584, Tariff Act of 1930, as amended (19 U.S.C. 1584), shall be assessed with respect to such narcotic drug or marihuana.

(b) *Unmanifested narcotic drugs.* When an unmanifested narcotic drug is found on board of, or after having been unladen from, a vessel or vehicle the penalties prescribed in section 584, Tariff Act of 1930, as amended (19 U.S.C. 1584), shall be assessed. The penalty shall be applied without exception and without regard to any question of negligence or responsibility.

(c) *Notice and demand for payment of penalty.* A written notice and demand for payment of the penalty for failure to manifest incurred under section 584, Tariff Act of 1930, as amended (19 U.S.C. 1584), together with a copy of section 584, shall be sent to the master of the vessel or the person in charge of the vehicle and to the owner of the vessel or vehicle. In the case of a vessel, if bond has been given, the notice also shall be sent to each surety. When a petition for relief from such penalty has been filed in accordance with Part 171 of this chapter, and a decision has been made thereon, the district director shall send notice of such decision to the interested persons together with a demand for any payment required under the terms of such decision.

(d) *Referral to the U.S. attorney.* If the penalty incurred under section 584, is not paid or a petition filed as provided in Part 171 of this chapter, or if payment is not made in accordance with the decision on a petition or a supplemental petition, the district director shall refer the case to the U.S. attorney for appropriate action.

(e) *Withholding clearance of vessel.* Where a penalty has been incurred under section 584, Tariff Act of 1930, as amended, for failure to manifest narcotic drugs, clearance of the vessel involved shall be withheld until the penalty is paid or a bond satisfactory to the district director is given for the payment thereof unless

(1) The narcotics were discovered in a passenger's baggage and the district director is satisfied that neither the master nor any of the officers nor the owner of the vessel knew or had any reason to know or suspect that the narcotics had been on board the vessel. or

(2) Prior authority for the clearance without payment of the penalty or the furnishing of the bond is obtained from the Bureau.

(Sec. 584, 46 Stat. 748, as amended, secs. 1010, 1011, 84 Stat. 1290; 19 U.S.C. 1584, 21 U.S.C. 960, 961)

§ 162.66 Penalties for unlading narcotic drugs or marihuana without a permit.

In every case where a narcotic drug or marihuana is unladen without a permit, the penalties prescribed in section 453, Tariff Act of 1930, as amended (19 U.S.C. 1453), shall be assessed. Penalties shall be assessed under this section when a package of regular cargo or a passenger's baggage otherwise covered by a permit to unlade is found to contain any narcotic drug or marihuana imported for sale or other commercial purpose and not specifically covered by a permit to unlade.

PARALLEL REFERENCE TABLE

(This table shows the relation of sections in revised Parts 161 and 162 to 19 CFR Part 23)

Revised section	Superseded section
161.0	New.
161.1	23.35.
161.2(a)	23.31 (a)–(c).
161.2(b)	23.31(d).
161.3	23.21(a); 23.8
161.4	23.30.
161.5	23.26.
161.11	23.27 (a).
161.12	23.27 (b), (c) and (e).
161.13	New.
161.14	23.27 (d).
161.15	New.
162.0	New.
162.1	23.28.
162.2	23.29.
162.3(a)	23.1(a).
162.3(b)	23.1(c).
162.4	23.1(c).
162.5	23.1(d).
162.6	23.1(e).
162.7	23.1(d).
162.11	New; 23.11(g).
162.12	23.11 (e) and (f).
162.13	23.11(d).
162.14	23.11(c).
162.15	23.11(a).
162.21(a)	23.11(a).
162.21(b)	23.11(a).
162.21(c)	23.11(b).
162.22	23.3 (a)–(d); 23.10.
162.31(a)	23.23(a).
162.31(b)	23.23(b).
162.32(a)	23.23(c).
162.32(b)	23.21(b).
162.41(a)	23.6 (a) and (c).
162.41(b)	23.6(b).
162.41(c)	23.6(d).
162.42	23.17(d).
162.43(a)	23.12 (a) and (b).
162.43(b)	23.12(e).
162.43(c)	23.12 (d) and (c).
162.44(a)	23.14(b).
162.44(b)	23.14(a).
162.44(c)	23.14CM.
162.45(a)	23.16(a).
162.45(b)	23.16(a).
162.45(c)	New.
162.45(d)	New.
162.46(a)	23.17(a).
162.46(b)	23.16(b).
162.46(c)(1)	23.17 (b) and (c).
162.46(c)(2)	23.19(a).
162.46(d)	23.19 (b) and (c).
162.47(a)	New.
162.47(b)	23.13(a).
162.47(c)	23.13(b).
162.47(d)	23.21(c).
162.48	23.18.
162.49(a)	23.21(a).
162.49(b)	23.22.
162.50(a)	New.
162.50(b)	23.19(a).
162.50(c)	23.19(b).
162.51	23.20 (a) and (b).
162.61	23.9 (i) and (k).
162.62	23.9(h).
162.63	23.9(b).
162.64	23.9(j).
162.65(a)	23.9(b).
162.65(b)	23.9(a).
162.65(c)	23.9 (f) and (g).
162.65(d)	23.9(f).
162.65(e)	23.9(e).
162.66	23.9 (c) and (d).

[FR Doc. 72-12874 Filed 8-14-72;8:52 am]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 694—MINIMUM WAGE RATES IN INDUSTRIES IN THE VIRGIN ISLANDS

Definition

On June 23, 1972, President Nixon signed into law the Education Amendments of 1972 (Public Law No. 92-318; 86 Stat. 235). The Education Amendments of 1972 amended the Fair Labor Standards Act in two respects. This document relates to the amendment which extended the general coverage of the Fair Labor Standards Act to employees of preschools. Congress amended both sections 3(r)(1) and 3(s)(4) by deleting the words "an elementary or secondary school" and substituting the words "a preschool, elementary, or secondary school". These changes became effective on July 1, 1972.

By such action Congress has, in effect, amended the definition of the education industry in the Virgin Islands by adding preschools. To accord with this congressional intent as reflected in the Education Amendments of 1972, paragraph (b) and subdivision (ii) of subparagraph (5) of paragraph (b) of § 694.1 of Part 694, Code of Federal Regulations are amended to read as follows:

§ 694.1 Wage rates.

* * * * *

(b) *1966 coverage classifications.* The classifications in this paragraph (b) include only those activities of employees in the Virgin Islands which were brought within the purview of section 6 of the Fair Labor Standards Act of 1938 by the Fair Labor Standards Amendments of 1966 or by section 906 of the Education Amendments of 1972.

* * * * *

5. *General Classification.* (i) The minimum rate for this classification is $1.60 an hour. * * *

(ii) This classification is defined as all activities of employees in the Virgin Islands, including the activities of those preschool employees who were brought under the Fair Labor Standards Act by section 906 of the Education Amendments of 1972, other than those activities included in the agriculture hotel, and motel, laundry and cleaning, and restaurant and food service classifications defined in subparagraphs (1), (2), (3), and (4) of this paragraph.

* * * * *

(Secs. 5, 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208; Sec. 906, 86 Stat. 235)

Effective date. This amendment shall become effective upon publication in the FEDERAL REGISTER (8-15-72).

Signed at Washington, D.C., this 9th day of August 1972.

BEN P. ROBERTSON,
Acting Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.72-12847 Filed 8-14-72;8:49 am]

PART 697—INDUSTRIES IN AMERICAN SAMOA

Definition

On June 23, 1972, President Nixon signed into law the Education Amendments of 1972 (Public Law No. 92-318; 86 Stat. 235). The Education Amendments of 1972 amended the Fair Labor Standards Act in two respects. This document relates to the amendment which extended the general coverage of the Fair Labor Standards Act to employees of preschools. Congress amended both section 3(r)(1) and 3(s)(4) by deleting the words "an elementary or secondary school" and substituting the words "a preschool, elementary, or secondary school". These changes became effective on July 1, 1972.

By such action Congress has, in effect, amended the definition of the hospitals and educational industry in American Samoa by adding preschools. To accord with this congressional intent as reflected in the Education Amendments of 1972, § 697.1 of Part 697, Code of Federal Regulations is amended to read as follows:

§ 697.1 Wage rates.

* * * * *

(e) *Hospitals and educational institutions industry.* * * *

(2) This industry shall include all activities performed in connection with the operation of a hospital, defined as an institution primarily engaged in the care of the sick, the aged, or the mentally ill or defective who reside on the premises of such institution, a school for the mentally or physically handicapped or the gifted children, a preschool, elementary, or secondary school, or an institution of higher education (regardless of whether or not such hospital, institution or school is public or private, or operated for profit or not for profit): *Provided, however,* That this industry shall not include any activity to which the Fair Labor Standards Act of 1938 would have applied prior to the Fair Labor Standards Amendments of 1966.

* * * * *

(Secs. 5, 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208; Sec. 906, 86 Stat. 235)

Effective date. This amendment shall become effective upon publication in the FEDERAL REGISTER (8-15-72).

Signed at Washington, D.C., this 9th day of August 1972.

BEN P. ROBERTSON,
Acting Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.72-12845 Filed 8-14-72;8:49 am]

PART 725—EDUCATION INDUSTRY IN PUERTO RICO

Definition

On June 23, 1972, President Nixon signed into law the Education Amendments of 1972 (Public Law No. 92-318; 86 Stat. 235). The Education Amendments of 1972 amended the Fair Labor Standards Act in two respects. This document relates to the amendment which extended the general coverage of the Fair Labor Standards Act to employees of preschools. Congress amended both section 3(r)(1) and 3(s)(4) by deleting the words "an elementary or secondary school" and substituting the words "a preschool, elementary, or secondary school". These changes became effective on July 1, 1972.

By such action Congress has, in effect, amended the definition of the education industry in Puerto Rico by adding preschools. To accord with this congressional intent as reflected in the Education Amendmnts of 1972, §§ 725.1 and 725.2 of Part 725, Code of Federal Regulations are amended to read as follows:

§ 725.1 Definition.

The education industry in Puerto Rico, to which this part shall apply, is defined as follows: The operation of preschools, elementary, or secondary schools, or institutions of higher education, or schools for mentally or physically handicapped or gifted persons, regardless of whether public or private or operated for profit or not for profit: *Provided, however,* That the industry shall not include any activity to which the Fair Labor Standards Act of 1938 would have applied prior to the Fair Labor Standards Amendments of 1966.

§ 725.2 Wage rates.

Wages at the rate of not less than $1.54 an hour shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees who in any workweek is engaged in any activity in the education industry in Puerto Rico, which was brought within the purview of section 6 of the Act by the Fair Labor Standards Amendments of 1966, or by section 906 of the Education Amendments of 1972.

(Secs. 5, 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208; sec. 906, 86 Stat. 235)

Effective date. This amendment shall become effective upon publication in the FEDERAL REGISTER (8-15-72).

Signed at Washington, D.C., this 9th day of August 1972.

BEN P. ROBERTSON,
Acting Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.72-12846 Filed 8-14-72;8:49 am]

Title 32—NATIONAL DEFENSE

Chapter XIV—Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1453—MANDATORY EXEMPTIONS FROM RENEGOTIATION

Common Carriers by Water

§ 1453.3 [Amended]

Section 1453.3 *Fiscal years ending on or after December 31, 1953,* is amended by deleting in paragraph (d)(2)(i) thereof, the words "January 1, 1971", and inserting in lieu thereof the words "January 1, 1972".

(Sec. 109, 65 Stat. 22; 50 U.S.C.A., App. sec. 1219)

Dated: August 10, 1972.

RICHARD T. BURRESS,
Chairman.

[FR Doc.72-12860 Filed 8-14-72;8:50 am]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—Bureau of Domestic Commerce, Department of Commerce

[Formerly NPA Reg. 2, Dir. 4 as amended April 30, 1952—Revocation]

DPS REG. 1, DIR. 1—ELECTRONIC COMPONENTS; SEQUENCE OF DELIVERIES FOR SMALL ORDERS

Revocation

DPS Reg. 1, Dir. 1 (32A CFR 174 (1972)) is hereby revoked. This revocation does not relieve any person of any obligation or liability incurred under DPS Reg. 1, Dir. 1, nor deprive any person of any rights received or accrued under said regulation prior to the effective date of this revocation.

(Sec. 704, Defense Production Act of 1950, as amended, 50 U.S.C. App. 2154 (1970))

This revocation shall take effect August 15, 1972.

BUREAU OF DOMESTIC COMMERCE,
HUDSON B. DRAKE,
Director.

[FR Doc.72-12885 Filed 8-14-72;8:51 am]

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER E—PESTICIDES PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Fluorodifen

A petition (PP 2F1178), was filed by Ciba-Geigy Corp., Ardsley, N.Y. 10502, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of a tolerance for negligible residues of the herbicide fluorodifen (*p*-nitrophenyl-2-nitro - 4-(trifluoromethyl) phenylether) and its metabolites *p*-nitrophenyl-2-amino - 4 -(trifluoromethyl) phenylether and *p*-nitrophenol in or on the raw agricultural commodities peanut hulls, peanuts, and peanut vine hay at 0.2 part per million.

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The herbicide is useful for the purpose for which the tolerance is being established.
2. The common name for the herbicide should be used.
3. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies.
4. The tolerance established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), §180.290 is revised in the heading and text to read as follows:

§ 180.290 Fluorodifen; tolerances for residues.

Tolerances are established for combined residues of the herbicide fluorodifen(*p* - nitrophenyl-2-nitro-4-(trifluoromethyl) phenylether) and its metabolites *p*-nitrophenyl - 2 - amino-4-(trifluoromethyl) phenylether and *p*-nitrophenol in or on raw agricultural commodities as follows:

0.2 part per million (negligible residue) in or on peanut hulls, peanuts, and peanut vine hay.

0.1 part per million (negligible residue) in or on soybean forage, soybeans, and seed and pod vegetables and their forages.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Environmental Protection Agency, Room 3125, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (8-15-72).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: August 8, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-12854 Filed 8-14-72;8:49 am]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Simazine

A petition (PP 0F0855) was filed by Geigy Chemical Corp. (now Ciba-Geigy Corp.), Ardsley, N.Y. 10502, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for residues of the herbicide simazine (2-chloro-4,6-bis(ethylamino)-*s*-triazine) in or on the raw agricultural commodities pineapple fodder and forage at 10 parts per million; pineapples at 3 parts per million; and sugarcane and sugarcane fodder and forage at 1 part per million.

Subsequently, the petitioner amended the petition by reducing the requested tolerance on sugarcane from 1 part per million to 0.25 part per million and by withdrawing the requested tolerances on sugarcane fodder and forage, pineapple, and pineapple fodder and forage. (For a related document, see this issue of the FEDERAL REGISTER, page 16470).

Prior to December 2, 1970, the Secretary of Agriculture certified that this pesticide chemical is useful for the purpose for which a tolerance is being established, and the Fish and Wildlife Service, U.S. Department of the Interior, stated that it had no objections to the proposed tolerance.

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies.

2. The tolerance established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 180.213 is amended by revising the paragraph "0.25 part per million * * *", as follows:

§ 180.213 Simazine; tolerances for residues.

* * * * *

0.25 part per million in or on almonds (hulls and nuts), apples, avocados, blackberries, blueberries, boysenberries, cherries, corn grain, corn fodder, and forage, fresh corn including sweet corn (kernels plus cob with husk removed), cranberries, currants, dewberries, filberts, grapefruit, grapes, lemons, loganberries, macadamia nuts, olives, oranges, peaches, pears, plums, raspberries, strawberries, sugarcane, and walnuts.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Environmental Protection Agency, Room 3125, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (8-15-72).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: August 3, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-12852 Filed 8-14-72;8:49 am]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER N—DANGEROUS CARGOES

[CGD 71-39a]

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

Boron Tribromide

On page 9601 of the FEDERAL REGISTER of May 26, 1971, there was published a notice of proposed rule making on boron tribromide. Interested persons were afforded 83 days to comment and a public hearing was held on August 10, 1971. No comments were received on this proposal.

By a separate document published at page 16496 of this issue of the FEDERAL REGISTER, the Hazardous Materials Regulations Board amends Parts 172 and 173 of Title 49 Code of Federal Regulations specifying the packaging for the transportation of boron tribromide.

The Board has added DOT-5C and 5M drums due to comments received. The Coast Guard will adopt this change.

In consideration of the foregoing, Part 146 is amended as follows:

1. By adding to § 146.04-5 "List of explosives and other dangerous articles and combustible liquids" in proper alphabetical sequence the following:

Article	Classed as—	Label required
* * *	* * *	
Boron tribromide......	Cor. L........	White.
* * *	* * *	

2. By adding to § 146.23-100 "Table F—Classification: Corrosive liquids" in proper alphabetical sequence the following:

Descriptive name of article	Characteristic properties cautions, markings required	Label required	Required conditions for Transportation — Cargo vessels
* * *	* * *	* * *	
Boron tribromide......	*Colorless, fuming liquid decomposes upon contact with water to evolve hydrobromic acid which is very corrosive to skin and eyes and in sufficient quantity is suffocating. Fumes are highly poisonous. Containers may rupture violently when heated. Boiling poin—194° F.*	White.........	Stowage: "On deck protected." "On deck under cover." Outside containers: Wooden boxes: (DOT 15A, 15B or 15P) WIC. Metal barrels or drums: (DOT 5C, 5M) Not over 30 gal. cap. Spec. 5C must be constructed of at least 14 gauge stainless steel.
* * *	* * *	* * *	