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HEW—NIH: Experimental Therapeutics Study Section to be held at Bethesda, Maryland (closed)..... 11127; 3-25-74

HEW—NIH: General Medicine Study Section A to be held at Philadelphia, Pennsylvania (open with restrictions). 11127; 3-25-74

HEW—NIH: Physiological Chemistry Study Section to be held at Bethesda, Maryland (open with restrictions). 11128; 3-25-74

HUD—Housing Problems of Spanish-Speaking Americans to be held at Miami, Florida (open)... 9220; 3-8-74
 Labor Department—Occupational Safety and Health Administration: Advisory Committee on Construction Safety and Health to be held at Washington, D.C. (open)... 11228; 3-26-74
 OMB—Business Advisory Council on Federal Reports to be held at Washington, D.C. (open)... 11471; 3-28-74
 State Department—Draft of Convention on Satellite Communication to be held at Washington, D.C. (open)... 9484; 3-11-74
 Transportation Department—National Motor Vehicle Safety Advisory Council to be held at Washington, D.C. (open)... 11617; 3-29-74
 VA—Veterans Administration Wage Committee to be held at Washington, D.C. (closed)... 10949; 3-22-74

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Agriculture Department—Apache National Forest Multiple Use Advisory Committee and Sitgreaves National

Forest Multiple Use Management Advisory Council to be held at Springerville, Arizona (open)... 8644; 3-6-74
 Commerce Department—Social and Economic Statistics Administration: Census Advisory Committee of the American Economic Association to be held at Suitland, Maryland (open)... 10924; 3-22-74

HEW—NIH: Experimental Psychology Study Section to be held at Washington, D.C. (closed)... 11127; 3-25-74

HEW—NIH: Experimental Therapeutics Study Section to be held at Bethesda, Maryland (closed)... 11127; 3-25-74

HEW—NIH: General Medicine Study Section A to be held at Philadelphia, Pennsylvania (closed)... 11127; 3-25-74

HEW—NIH: Physiological Chemistry Study Section to be held at Bethesda, Maryland (closed)... 11128; 3-25-74

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HEW—NIH: General Medicine Study Section A to be held at Philadelphia, Pennsylvania (closed)... 11127; 3-25-74

HEW—NIH: Experimental Therapeutics Study Section to be held at Bethesda, Maryland (closed)... 11127; 3-25-74
 HEW—NIH: Physiological Chemistry Study Section to be held at Bethesda, Maryland (closed)... 11128; 3-25-74

Weekly List of Public Laws

This is a listing of public bills enacted by Congress and approved by the President, together with the law number, the date of approval, and the U.S. Statutes citation. Subsequent lists will appear every Wednesday in the FEDERAL REGISTER, and copies of the laws may be obtained from the U.S. Government Printing Office.

H.R. 5450..... Pub. Law 93-254

Marine Protection, Research, and Sanctuaries Act of 1972, amendments (March 22, 1974; 88 Stat. 50)

H.R. 13025..... Pub. Law 93-256

Presumptive disability benefits, time extension (March 28, 1974; 88 Stat. 52)

S. 2315..... Pub. Law 93-255

Senate committee employees, compensation (March 27, 1974; 88 Stat. 52)

Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of State

Section 213.3304 is amended to show that one position of Secretary and Personal Assistant to the U.S. Representative to the Council of the Organization of American States is excepted under Schedule C.

Effective on April 3, 1974, § 213.3304 (h) (2) is added as set out below:

§ 213.3304 Department of State.

(h) *Bureau of International Organization Affairs.*

(2) One Secretary and Personal Assistant to the U.S. Representative to the Council of the Organization of American States.

((5 U.S.C. secs. 3301, 3302); E.O. 10577, 3 CFR 1954-58 comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,

Executive Assistant to the Commissioners.

[FR Doc. 74-7692 Filed 4-2-74; 8:45 am]

PART 213—EXCEPTED SERVICE

Veterans Administration

Section 213.3327 is amended to show that five Confidential Assistants are being transferred to the Office of the Deputy Administrator.

Effective on April 3, 1974, § 213.3327 (a) (1) and (7) are amended, (8) is revoked, and (10) is added as set out below.

§ 213.3327 Veterans Administration.

(a) *Office of the Administrator.*

(1) Four Confidential Assistants to the Special Assistant to the Administrator.

(7) Three Confidential Assistants to the Executive Assistant to the Administrator.

(8) [Revoked]

(10) Five Confidential Assistants to the Deputy Administrator.

((5 U.S.C. secs. 3301, 3302); E.O. 10577, 3 CFR 1954-58 comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,

Executive Assistant to the Commissioners.

[FR Doc. 74-7693 Filed 4-2-74; 8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 74-114]

GENERAL ORDER, UNCLAIMED, AND ABANDONED MERCHANDISE

On October 3, 1973, there was published in the FEDERAL REGISTER (38 FR 27399), notice of a proposed rule-making which would revise the Customs Regulations relating to general order, unclaimed, and abandoned merchandise. This proposed revision, which follows the format established for the general revision of the Customs Regulations, creates a new Part 127 of the Customs Regulations (19 CFR Part 127) setting forth the procedures for handling general order, unclaimed, and abandoned merchandise, including the sale of unclaimed and abandoned merchandise.

After consideration of all comments received, no substantive changes were made in Part 127, as proposed.

Included as part of the revision is a parallel reference table showing the relationship of the sections in new Part 127 to superseded sections in Parts 20, 24, and 56 of the Customs Regulations (19 CFR Parts 20, 24, and 56).

Accordingly, new Part 127, with the conforming changes in Parts 4, 12, 18, 19, 20, 24, 56, 141, 144, and 147 of the Customs Regulations, Chapter I, title 19 of the Code of Federal Regulations, is hereby adopted as set forth below.

Effective date. These amendments shall become effective May 3, 1974.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved: March 22, 1974.

JAMES B. CLAWSON,
Acting Assistant Secretary of the Treasury.

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Section 4.37 is amended by adding paragraph (f) as follows:

§ 4.37 Lay order; general order.

(f) Whenever, pursuant to section 457 or 490, Tariff Act of 1930, as amended (19 U.S.C. 1457, 1490), the district director shall take possession of a cargo which is unclaimed and not unladen, he shall require, as a condition for granting a permit to discharge, that the vessel be removed at the expense of the owner to the wharf, pier, or other place most convenient to the general order stores.

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

PART 12—SPECIAL CLASSES OF MERCHANDISE

In § 12.13, paragraph (a) is amended by substituting "subparts C and D of Part 127", for "§§ 20.5 and 20.6".

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

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

In section 18.12, paragraph (a) is amended by substituting "127.2" for "20.2".

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

PART 19—CUSTOMS WAREHOUSES, CONTAINER STATIONS, AND CONTROL OF MERCHANDISE THEREIN

In § 19.6, paragraph (a) is amended by substituting "127.14(c)" for "20.3(c)".

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

PART 20—DISPOSITION OF UNCLAIMED AND ABANDONED MERCHANDISE

Chapter I of title 19, Code of Federal Regulations, is amended by deleting Part 20.

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

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

Part 24, Chapter I, title 19, Code of Federal Regulations, is amended by deleting § 24.25.

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

PART 56—EXTENSIONS OF TIME PURSUANT TO PROCLAMATION OF THE PRESIDENT UNDER SECTION 318, TARIFF ACT OF 1930

Chapter I of title 19, Code of Federal Regulations, is amended by deleting Part 56.

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

PART 127—GENERAL ORDER, UNCLAIMED, AND ABANDONED MERCHANDISE

Chapter I of title 19 of the Code of Federal Regulations, is amended by adding a new Part 127 to read as follows:

PART 127—GENERAL ORDER, UNCLAIMED, AND ABANDONED MERCHANDISE

Sec.
127.0 Scope.

Subpart A—General Order Merchandise

- 127.1 Merchandise considered general order merchandise.
- 127.2 Withdrawal from general order for entry or exportation.
- 127.3 Extension of general order period.

Subpart B—Unclaimed and Abandoned Merchandise

- 127.11 Unclaimed merchandise.
- 127.12 Abandoned merchandise.
- 127.13 Storage of unclaimed and abandoned merchandise.
- 127.14 Disposition of merchandise in Customs custody beyond time fixed by law.

Subpart C—Sale of Unclaimed and Abandoned Merchandise

- 127.21 Time of sale.
- 127.22 Place of sale.
- 127.23 Appraisal of merchandise.
- 127.24 Notice of sale.
- 127.25 Advertisement of sale.
- 127.26 Catalogs.
- 127.27 Conduct of sale.
- 127.28 Special merchandise.
- 127.29 Unsold merchandise.

Subpart D—Proceeds of Sale

- 127.31 Disposition of proceeds.
- 127.32 Expenses of cartage, storage, and labor.
- 127.33 Chargeable duties.
- 127.34 Auctioneer's commissions.
- 127.35 Presentation of accounts.
- 127.36 Claim for surplus proceeds of sale.
- 127.37 Insufficient proceeds.

AUTHORITY: R.S. 251, as amended, section 624, 46 Stat. 759; 5 U.S.C. 301, 19 U.S.C. 66, 1624. Other statutory provisions interpreted or applied and additional authority are cited in the text or in parentheses following the sections affected.

§ 127.0 Scope.

This part sets forth regulations pertaining to general order merchandise, unclaimed merchandise, and abandoned merchandise, the storage and sale thereof, and the distribution of the proceeds from the sale thereof. Regulations regarding the abandonment of merchandise by the importer to the Government in accordance with section 506(1), Tariff Act of 1930, as amended (19 U.S.C. 1506(1)), appear in Part 158 of this chapter.

Subpart A—General Order Merchandise

§ 127.1 Merchandise considered general order merchandise.

Merchandise shall be considered general order merchandise when it is taken into the custody of the district director and deposited in the public stores or a general order warehouse at the risk and expense of the consignee for any of the following reasons:

- (a) Whenever entry of any imported merchandise is not made within the time provided by law or regulations prescribed by the Secretary of the Treasury.
- (b) Whenever entry is incomplete because of failure to pay estimated duties.
- (c) Whenever, in the opinion of the

district director, entry cannot be made for want of proper documents or other causes.

(d) Whenever the district director believes that any merchandise is not correctly or legally invoiced.

(e) Whenever, at the request of the consignee or the owner or master of the vessel or person in charge of the vehicle in which merchandise is imported, any merchandise is taken possession of by the district director after the expiration of 1 day after entry of the vessel or report of the vehicle.

(Sec. 490, 46 Stat. 726, as amended; 19 U.S.C. 1490)

§ 127.2 Withdrawal from general order for entry or exportation.

(a) *Exportation within 1 year from date of importation.* Merchandise in general order may be exported without examination or appraisal if the merchandise is delivered to the exporting carrier within 1 year from the date of importation. This merchandise may be entered within 1 year from date of importation for immediate transportation to any port of entry designated by the consignee.

(b) *After expiration of 1 year from date of importation.* Entry for immediate transportation shall be permitted after the expiration of the 1-year period only for the purpose of filing an entry for consumption at the port of destination.

(c) *Withdrawal of less than single general order lot.* The withdrawal from general order of less than a single general order lot shall not be permitted except as provided for in § 141.52 of this chapter.

(Sec. 490, 46 Stat. 726, as amended; 19 U.S.C. 1490)

§ 127.3 Extension of general order period.

(a) *Extensions of 1 year each.* Pursuant to the authority in Proclamation No. 2948 issued by the President on October 12, 1951 (16 FR 10589), the initial 1-year period for general order merchandise in section 491, Tariff Act of 1930, as amended (19 U.S.C. 1491), shall be extended for successive periods of 1 year each upon compliance with paragraph (b) of this section. There is no limit to the number of extensions that may be granted. If the application is submitted after the expiration of the 1-year period or the latest extension thereof, the new extension shall be retroactive to the expiration of the previous period. An extension shall not be granted if the merchandise has been disposed of by the Government.

(b) *Documents required for extension.* The following documents shall be presented to the district director at the port where the merchandise is stored each time an extension is requested:

- (1) The written application for extension, in duplicate, executed by the consignee.
- (2) Evidence that the applicant is the consignee, such as the bill of lading or a

signed or certified duplicate thereof or a carrier's certificate covering the merchandise. It will not be necessary that the evidence be furnished with applications for any subsequent extensions when made by the same applicant.

(3) A statement on the application by the proprietor of the warehouse in which the merchandise is stored consenting to the extension, or certifying that all charges or amounts due or owing to the proprietor for storage or handling of the merchandise concerned up to the date of the beginning of the requested period of extension have been paid.

(c) *Form of application.* For merchandise in general order, applications for extension or further extension of the 1-year period prescribed in section 491, Tariff Act of 1930, as amended (19 U.S.C. 1491), shall be made in duplicate and in substantially the following form:

(Date)

The District Director of Customs

Sir: In accordance with the provisions of Treasury Decision No. 52896, of December 28, 1951, application is hereby made for an extension (or further extension) of the 1-year period prescribed in section 491, Tariff Act of 1930, as amended, for 1 year in the case of the merchandise described below:

Quantity and description of the merchandise:

Name of port here imported: _____

Date of importation: _____

Present location of merchandise: _____ (address)

of warehouse where the merchandise is stored: _____ Additional information: _____ (here state)

whether any previous extension has been allowed or application made for such extension and, if so, the details thereof)

(name of consignee)

By _____ (name and title)

The undersigned hereby consents to the granting of the 1-year extension requested herein, or

The undersigned hereby certifies that all charges or amounts due or owing to the undersigned for storage or handling of the merchandise described above up to the date of the beginning of the 1-year period of extension requested herein have been paid.

(date) (warehouse proprietor)

By _____ (name and title)

(d) *Extension of carrier's bond.* In each case in which the merchandise remains charged against a carrier's bond, Customs Form 3587, and an extension or further extension of the 1-year period prescribed in section 491, Tariff Act of 1930, as amended (19 U.S.C. 1491), is desired, there shall be furnished to the district director at the port where the charge against the bond was made the agreement of the principal and sureties on such bond in the following form:

EXTENSION OF CARRIER'S BOND

Whereas, in Treasury Decision No. 52896, of December 28, 1951, issued pursuant to authority contained in the President's Proclamation No. 2948, dated October 12, 1951, the 1-year period prescribed in section 491, Tariff Act of 1930, as amended, was extended for 1 year and further extended for additional periods of 1 year each from and after the expiration of the immediately preceding extension, provided, among other things, that in each case in which the merchandise remains charged against a carrier's bond the principal on such bond shall agree to the extension and shall furnish the agreement of the sureties on the bond to remain bound under the terms and conditions of the bond to the same extent as if no extension had been granted, and

Whereas, the carrier's bond described below was furnished in connection with the entry for transportation in bond indicated, and it is now desired to extend the liability under such bond for a period of 1 year from the date of maturity of the bond (*):

Name of carrier: _____
 Date of bond: _____
 Date of approval: _____
 Class and number of transportation in bond entry: _____
 Dated: _____
 Port where charge against bond was made: _____
 Description of merchandise: _____
 Date of importation: _____
 Now, Therefore, This is to certify that _____, principal, and _____, sureties on the carrier's bond referred to above, hereby stipulate and agree that their liability under said bond (*) shall continue unchanged and in full force and effect to the same extent as if no extension had been granted for a period of 1 year from the date of maturity of the bond (*).

WITNESS our hands and seals this _____ day of _____, 19____.
 Signed, sealed and delivered in the presence of—

(Name) _____	(Address) _____
(Name) _____	(Address) _____
(Name) _____	(Address) _____
(Name) _____	(Address) _____
(principal) _____	[SEAL]
(Name) _____	(Address) _____
(Name) _____	(Address) _____
(surety) _____	[SEAL]

(*) Here insert the words "as extended" if a previous extensions has been allowed.

(e) *Payment of charges.* If the merchandise concerned is stored in the public store, all charges or amounts due or owing to the Government for the storage or handling of the merchandise up to the date of the beginning of the 1-year period of extension requested shall be paid as a condition precedent to the granting of the extension.

(f) *Approval of application.* If the application is approved by the district director, he shall endorse the fact and date of his approval on both copies of the application, retain the original as his record of the transaction, and return the duplicate to the consignee for his records.

If the application is disapproved by the district director, he shall retain both copies on file in his office and advise the applicant in writing as to the reasons for his disapproval.

(Sec. 318, 46 Stat. 696; 19 U.S.C. 1318)

Subpart B—Unclaimed and Abandoned Merchandise

§ 127.11 Unclaimed merchandise.

Any entered or unentered merchandise (except merchandise under section 557, Tariff Act of 1930, as amended (19 U.S.C. 1557), but including merchandise entered for transportation in bond or for exportation) which shall remain in Customs custody for 1 year from the date of importation thereof or a lesser period for special merchandise as provided by §§ 127.28 (c), (d), and (h), or for any extensions of the general order period as may be granted pursuant to § 127.3, and without all estimated duties and storage or other charges thereon having been paid, shall be considered unclaimed and abandoned.

(Sec. 491, 46 Stat. 726, as amended; (19 U.S.C. 1491))

§ 127.12 Abandoned merchandise.

(a) *Involuntarily abandoned merchandise.* The following shall be considered to be involuntarily abandoned merchandise:

(1) Articles entered for a trade fair under the provisions of section 3 of the Trade Fair Act of 1959 (19 U.S.C. 1752), which are still in Customs custody at the expiration of 3 months after the closing date of the fair for which they were entered. (See § 147.47 of this chapter.)

(2) Any imported merchandise upon which any duties or charges are unpaid, remaining in bonded warehouse beyond the 3-year warehouse period or extension thereof.

(b) *Voluntarily abandoned merchandise.* The following merchandise shall be considered to be voluntarily abandoned merchandise and the property of the United States Government:

(1) Merchandise which is taken possession of by the district director at the request of the consignee, or owner or master of the vessel or person in charge of the vehicle in which the merchandise was imported.

(2) Merchandise abandoned by the importer to the United States within 30 days after entry in the case of merchandise not sent to the public stores for examination, or within 30 days after the release of the examination packages or merchandise in the case of merchandise sent to the public stores for examination.

(3) Articles entered for a trade fair under the provisions of section 3 of the Trade Fair Act of 1959 (19 U.S.C. 1752), which have been abandoned to the United States within 3 months of the closing of the fair.

(4) Merchandise in a bonded warehouse abandoned by the consignee within 3 years from the date of original importation. (See subpart D of Part 158 of this chapter.)

(Secs. 490, 506, 559, 563, 46 Stat. 726, as amended, 732, as amended, 744, as amended, 746, as amended, sec. 4, 73 Stat. 18; (19 U.S.C. 1490, 1506, 1559, 1563, 1753))

§ 127.13 Storage of unclaimed and abandoned merchandise.

(a) *Place of storage.* Unclaimed and abandoned merchandise shall be sent under a permit to a class 1 warehouse (public store) or to a suitable warehouse of class 3, 4, or 5 specially designated for the purpose by the district director. If no warehouse of these classes is available, the district director may, with the approval of the Commissioner of Customs, rent suitable premises in a class 2 warehouse. (For permit to discharge unclaimed cargo which is not unladen see § 4.37(f) of this chapter.)

(b) *Payment of storage and expenses.* Storage at the ordinary rates and all other expenses shall be paid by the owner or consignee of the merchandise upon entry thereof. If the goods are sold, such charges shall be paid from the proceeds of the sale to the extent that proceeds are available.

(Sec. 490, 46 Stat. 726, as amended (19 U.S.C. 1490))

§ 127.14 Disposition of merchandise in Customs custody beyond time fixed by law.

(a) *Merchandise subject to sale.* If storage or other charges due the United States have not been paid on merchandise remaining in Customs custody after the expiration of the bond period in the case of merchandise entered for warehouse, or after the expiration of the general order period in any other case, even though any duties due have been paid, such merchandise shall be sold as provided for in subpart C of this part unless entered or withdrawn for consumption in accordance with paragraph (b) of this section.

(b) *Entry of merchandise subject to sale.* Merchandise subject to sale (except merchandise abandoned under section 506(1) or 563(b), Tariff Act of 1930, as amended (19 U.S.C. 1506(1), 1563(b))), may be entered or withdrawn for consumption at any time prior to the sale upon payment of the duties, any internal revenue tax, and all charges and expenses that may have accrued thereon. Such merchandise may not be exported without payment of duty nor entered for warehouse.

(c) *Release of merchandise to warehouse proprietor.* The following merchandise for which a permit to release has been issued shall be held to be no longer in the custody of Customs officers and shall be released to the warehouse proprietor:

(1) Merchandise upon which all duties and charges have been paid which remains in bonded warehouse beyond the 3-year warehouse period or extension thereof.

(2) Free and duty-paid merchandise upon which all charges have been paid, not entered for warehouse which remains in bonded warehouse for more than the general order period.

(Secs. 491, 559, 46 Stat. 726, as amended, 744, as amended; (19 U.S.C. 1491, 1559))

Subpart C—Sale of Unclaimed and Abandoned Merchandise

§ 127.21 Time of sale.

All unclaimed and abandoned merchandise shall be sold at the first regular sale held after the merchandise becomes subject to sale, unless a deferment of its sale is authorized by the Commissioner of Customs. Regular sales shall be made once every year or more often at the discretion of the district director.

(Secs. 491, 559, 46 Stat. 726, as amended, 744, as amended, sec. 4, 73 Stat. 18; (19 U.S.C. 1491, 1559, 1753))

§ 127.22 Place of sale.

All merchandise at a port other than a headquarters port which becomes subject to sale, including explosives, perishable articles and articles liable to depreciation, shall be promptly reported to the headquarters port for disposition. The district director, in his discretion, may sell such merchandise as well as merchandise at the headquarters port which is subject to sale, at the headquarters port or any other port within the district.

(Secs. 491, 559, 46 Stat. 726, as amended, 744, as amended, sec. 4, 73 Stat. 18; (19 U.S.C. 1491, 1559, 1753))

§ 127.23 Appraisalment of merchandise.

Before unclaimed and abandoned merchandise is offered for sale, it shall be appraised in accordance with sections 402 and 402a, Tariff Act of 1930, as amended (19 U.S.C. 1401a, 1402). Such merchandise shall also be appraised at its actual domestic value in its condition at the time and place of examination, whether or not it has depreciated or appreciated in value since the date of exportation. The quantity of merchandise in each lot shall be reported.

(Secs. 491, 559, 46 Stat. 726, as amended, 744, as amended; (19 U.S.C. 1491, 1559))

§ 127.24 Notice of sale.

Notice of sale shall be sent to Customs Form 5251, 30 days prior to the date of sale, or 30 days prior to the transfer of merchandise to the place of sale, to the following:

- (a) Importer, if known; or
- (b) Consignee, if name and address can be ascertained;
- or
- (c) Shipper, his representative or agent, if merchandise is consigned to order or consignee cannot be ascertained;
- or
- (d) Warehouse transferee; or
- (e) Lienholder.

(Secs. 491, 559, 46 Stat. 726, as amended, 744, as amended; 19 U.S.C. 1491, 1559)

§ 127.25 Advertisement of sale.

(a) *Regular advertising.* Except as prescribed in sections 127.28(c), (d), and (h), and in paragraph (b) of this section, a brief notice of the time and place of sale shall be given for three

successive weeks, immediately preceding the sale, in one newspaper of extensive circulation published at the port where the sale is to be held. The newspaper is to be selected by the district director and publication of the notice shall be authorized on the standard form provided for that purpose. The notice shall designate the place where catalogs may be obtained and a reasonable opportunity to inspect the merchandise shall be afforded prospective purchasers.

(b) *Where proceeds are insufficient to pay expenses and duties.* If the district director is satisfied that the proceeds of the sale will not be sufficient to pay the expenses and duties, a written or printed notice of the sale in lieu of the advertisement shall be conspicuously posted in the customhouse, and, if deemed necessary, at some other proper place for the time specified in paragraph (a) of this section.

(Secs. 491, 559, 46 Stat. 726, as amended, 744, as amended; 19 U.S.C. 1491, 1559)

§ 127.26 Catalogs.

Catalogs, if used shall specify the description of packages, the description and quantities of their contents, the appraised value thereof, and also the domestic value at the time and place of the examination of the merchandise. They shall be distributed at the sale and announcement made that the Government does not guarantee quality or value and that no allowance will be made for any deficiency found after sale.

(Secs. 491, 559, 46 Stat. 726, as amended, 744, as amended; 19 U.S.C. 1491, 1559)

§ 127.27 Conduct of sale.

Sales may be conducted by the district director, any employee designated by him or by a public auctioneer.

(Secs. 491, 559, 46 Stat. 726, as amended, 744, as amended; 19 U.S.C. 1491, 1559)

§ 127.28 Special merchandise.

(a) *Drugs, seeds, plants, nursery stock, and other articles required to be inspected by Department of Agriculture.* Before drugs, seeds, plants, nursery stock, and other articles required to be inspected by the Department of Agriculture are advertised, they shall be inspected by a representative of the Department of Agriculture to ascertain whether they comply with the requirements of the law and regulations of that Department. If found not to comply with such requirements, they shall be immediately destroyed.

(b) *Pesticides and devices.* Pesticides and devices intended for trapping, destroying, repelling or mitigating any pest or any other form of plant or animal life (other than man or other than bacteria, virus, or other microorganism on or in living man or other living animals) shall be inspected by a representative of the Environmental Protection Agency to ascertain whether they comply with the requirements of the law and regulations of that agency. If found not to comply with such requirements, they shall be immediately destroyed.

(c) *Explosives, dangerous articles, fruit, and perishables.* Unclaimed explo-

sives and other dangerous articles, and fruit and other perishable articles shall be sold after 3-days' public notice. When it is probable that entry will be made at an early date for unclaimed perishable merchandise, the district director may hold the merchandise for a reasonable time in a bonded cold-storage warehouse if one is available.

(d) *Articles liable to depreciation.* Other unclaimed merchandise shall be sold at public auction upon public notice of not less than 6 or more than 10 days, as the district director may determine, if in his opinion such merchandise will depreciate and sell for an amount insufficient to pay the duties, storage, and other charges if allowed to remain in general order for 1 year.

(e) *Tobacco and tobacco products.* Tobacco articles and tobacco materials as defined in 26 U.S.C. 5702(j) and (k), may be sold for domestic consumption only if they will bring an amount sufficient to pay the expenses of sale as well as the internal revenue tax. If these articles cannot be sold for domestic consumption in accordance with the foregoing conditions, they shall be destroyed unless they can be advantageously sold for export from continuous Customs custody or unless the Commissioner of Customs has authorized other disposition to be made under the law. These articles may be sold for domestic consumption even though the proceeds of sale will not cover the duties due.

(f) *Distilled spirits, wines, and malt beverages.* All unclaimed and abandoned distilled spirits, wines, and malt beverages may be sold for domestic consumption if they will bring an amount sufficient to pay the internal revenue tax. If they cannot be sold for domestic consumption in accordance with the foregoing condition, they shall be destroyed unless they can be advantageously sold for export from continuous Customs custody or unless the Commissioner of Customs has authorized other disposition to be made under the law. The sale must be conducted in accordance with the alcoholic beverage laws of the state in which the sale is held.

(g) *Other merchandise subject to internal revenue taxes.* All other unclaimed and abandoned merchandise subject to internal revenue taxes may be sold for domestic consumption if it will bring an amount sufficient to pay the internal revenue tax. If, in the opinion of the district director, it is insufficient in value to justify its sale, the merchandise shall be destroyed, unless it can be advantageously sold for export from continuous Customs custody or unless the Commissioner of Customs has authorized other disposition to be made under the law. These articles may be sold for domestic consumption even though the proceeds of sale will not cover the duties due.

(h) *Unclaimed merchandise remaining on dock.* Unclaimed merchandise remaining on the dock which, in the opinion of the district director, will not sell for enough to pay the cost of cartage and storage shall be sold at public auc-

tion upon public notice of not less than 6 or more than 10 days.

(Secs. 491, 492, 46 Stat. 726, as amended, 727, as amended, sec. 201, 72 Stat. 1412, 68A Stat. 716, as amended, 86 Stat. 995; (19 U.S.C. 1491, 1492, 26 U.S.C. 5688, 5753))

§ 127.29 Unsold merchandise.

Merchandise offered for sale but not sold shall be included in the next regular sale of unclaimed and abandoned merchandise. If the district director is satisfied that such merchandise is unsalable or of no commercial value, it shall be destroyed.

(Secs. 491, 559, 46 Stat. 726, as amended, 744, as amended; (19 U.S.C. 1491, 1559))

Subpart D—Proceeds of Sale

§ 127.31 Disposition of proceeds.

From the proceeds of sale of merchandise remaining in public stores or in bonded warehouse beyond the time fixed by law, the following charges shall be paid in the order named:

- (a) Internal revenue taxes.
- (b) Expenses of advertising and sale.
- (c) Expenses of cartage, storage and labor. When the proceeds are insufficient to pay such charges fully, they shall be paid pro rata. (For merchandise entered for warehousing, see § 127.32 of this subpart.)
- (d) Duties.
- (e) Any other charges due the United States in connection with the merchandise.

(f) Any sum due to satisfy a lien for freight, charges, or contributions in general average, of which due notice shall have been given in the manner prescribed by law.

(Secs. 491, 493, 559, 46 Stat. 726, as amended, 727, as amended, 744, as amended, sec. 4, 73 Stat. 18; (19 U.S.C. 1491, 1493, 1559, 1753))

§ 127.32 Expenses of cartage, storage, and labor.

The expenses of cartage, storage, and labor for merchandise entered for warehousing shall be paid in the following order:

- (a) When such merchandise was warehoused in public stores, expenses of storage and labor shall be paid after expenses of sale (pro-rated when proceeds are insufficient to pay them fully) and any cartage charges shall be paid last.
- (b) When such merchandise was warehoused in a bonded warehouse, expenses of storage, cartage, and labor shall be paid last (pro-rated when proceeds are insufficient to pay them fully).

(Secs. 491, 493, 559, 46 Stat. 726, as amended, 727, as amended, 744, as amended; (19 U.S.C. 1491, 1493, 1559))

§ 127.33 Chargeable duties.

The duties chargeable on any merchandise within the purview of this subpart shall be assessed on the appraised dutiable value at the rate of duty chargeable at the time the merchandise became subject to sale. Household and personal effects of the character provided for in schedule 8, part 2A, Tariff Schedules of

the United States (19 U.S.C. 1202), which belong to persons who have not arrived in this country before the effects become subject to sale, are dutiable at the rates in effect when the effects become subject to sale, even though such persons arrive and make entry for the effects before they are sold.

(Secs. 491, 493, 559, 46 Stat. 726, as amended, 727, as amended, 744, as amended; (19 U.S.C. 1491, 1493, 1559))

§ 127.34 Auctioneer's commissions.

The duties of the auctioneer shall be confined to selling the merchandise and his charge for such service shall in no case exceed the commissions usual at the port. Such commissions shall be based on the amount of the successful bid.

(Secs. 491, 493, 559, 46 Stat. 726, as amended, 727, as amended, 744, as amended; (19 U.S.C. 1491, 1493, 1559))

§ 127.35 Presentation of accounts.

Accounts for the auctioneer's charges and all other expenses of sale which may be properly chargeable on the merchandise shall be presented to the district director for payment within 10 days from the date of sale. Such expenses shall be apportioned pro rata on the amounts received for different lots sold.

(Secs. 491, 493, 559, 46 Stat. 726, as amended, 727, as amended, 744, as amended; (19 U.S.C. 1491, 1493, 1559))

§ 127.36 Claim for surplus proceeds of sale.

(a) *Filing of claim.* Claims for the surplus proceeds of the sale of unclaimed or abandoned merchandise shall be filed with the district director at whose direction the merchandise was sold. The following shall be used in filing a claim:

- (1) *Unclaimed merchandise.* Claims for surplus proceeds of the sale of unclaimed merchandise which has become abandoned and sold under section 491 of the Tariff Act of 1930, as amended (19 U.S.C. 1491), shall be supported by the original bill of lading. If only part of a shipment is involved, either a photostatic or certified copy of the original bill of lading may be submitted in lieu of the original bill of lading.

(2) *Involuntarily abandoned merchandise—(i) Warehouse goods deemed abandoned.* Claims for surplus proceeds of sale of warehouse goods deemed involuntarily abandoned sold under section 559 of the Tariff Act of 1930, as amended (19 U.S.C. 1559), shall be established by reference to the warehouse entry, or, if the right to withdraw the merchandise from warehouse has been transferred, by reference to the documents by which the transfer was made.

(ii) *Trade fair articles deemed abandoned.* Claims for surplus proceeds of sale of trade fair articles deemed involuntarily (mandatorily) abandoned under section 4 of the Trade Fair Act of 1959 (19 U.S.C. 1753(c)), shall be supported by the original bill of lading. If only part of a shipment is involved, either a photostatic copy or certified copy of the original bill of lading may be submitted in

lieu of the original bill of lading. (See § 147.47 of this chapter.)

(b) *Payment of claim.* If a claim of the owner or consignee of unclaimed or abandoned merchandise for the surplus proceeds of sale is properly established as provided in this section, such proceeds of sale shall be paid to him pursuant to section 493 of the Tariff Act of 1930, as amended (19 U.S.C. 1493).

(c) *Doubtful claims.* Any doubtful claims for the proceeds of sale along with all pertinent documents and information available to the district director shall be forwarded to the Commissioner of Customs for instructions or for referral to the General Accounting Office for direct settlement.

(Secs. 491, 493, 559, 46 Stat. 726, as amended, 727, as amended, 744, as amended, sec. 4, 73 Stat. 18; (19 U.S.C. 1491, 1493, 1559, 1753))

§ 127.37 Insufficient proceeds.

(a) *Warehouse merchandise deemed involuntarily abandoned.* If the proceeds of sale of warehouse merchandise deemed involuntarily abandoned are insufficient to pay the duties after payment of all charges having priority, the deficiency shall be collected under the warehouse entry bond.

(b) *Unclaimed merchandise and trade fair articles involuntarily abandoned.* If the proceeds of sale of unclaimed merchandise or trade fair articles involuntarily abandoned are insufficient to pay the charges and duties, the consignee shall be liable for the deficiency unless the merchandise was shipped to him without his consent. If no entry for the merchandise has been filed, and no other attempt to control the merchandise has been made, the merchandise shall be regarded as shipped to the consignee without his consent and no effort shall be made to collect any deficiency of duties or charges from such consignee.

(Secs. 491, 492, 493, 559, 46 Stat. 726, as amended, 727, as amended, 744, as amended, sec. 4, 73 Stat. 18; (19 U.S.C. 1491, 1492, 1493, 1559, 1753))

PART 141—ENTRY OF MERCHANDISE

Section 141.112(f) is amended by substituting "subpart D of Part 127 and §§ 158.10 and 162.51" for "§§ 20.6, 158.10, and 162.51".

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

PART 144—WAREHOUSE AND REWAREHOUSE ENTRIES AND WITHDRAWALS

Section 144.38(e) is amended by substituting "127.14(c)" for "20.3(c)".

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

PART 147—TRADE FAIRS

Section 147.47 is amended by inserting "(See subpart D of Part 127 of this chapter.)" at the end of the second sentence.

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

PARALLEL REFERENCE TABLE

(This table shows the relation of sections in revised Part 127 to superseded 19 CFR Parts 20, 24, and 56)

Revised Section	Superseded Section
127.0	New.
127.1(a)-(e)	New.
127.2(a)-(b)	20.2(a).
127.2(c)	20.2(b).
127.3(a)	56.1(a).
127.3(b)	56.1(a), 56.2(c).
127.3(c)	56.2(a).
127.3(d)	56.3(a).
127.3(e)	56.2(b).
127.3(f)	56.2(d).
127.11	New.
127.12(a)-(b)	New.
127.13(a)	20.1(a).
127.13(b)	20.1(c).
127.14(a)	20.3(a).
127.14(b)	20.3(b).
127.14(c)	20.3(c).
127.21	20.5(a).
127.22	20.5(d).
127.23	20.5(b).
127.24	20.5(j).
127.25(a)	20.5(e).
127.25(b)	20.5(h).
127.26	20.5(i).
127.27	20.5(a).
127.28(a)	20.5(c).
127.28(b)	New.
127.28(c)	20.5(f).
127.28(d)	20.5(g).
127.28(e)	20.4.
127.28(f)	New.
127.28(g)	20.4.
127.28(h)	20.5(g).
127.29	20.5(k).
127.31	20.6(a).
127.32	20.6(b).
127.33	20.6(c).
127.34	20.6(d).
127.35	20.6(e).
127.36	20.6(f) & (g); 24.25.
127.37(a)	20.6(h).
127.37(b)	20.6(i).

[FR Doc. 74-7634 Filed 4-2-74; 8:45 am]

[T.D. 74-113]

PART 148—PERSONAL DECLARATIONS AND EXEMPTIONS

Free Entry List; Amendment

By Executive Order No. 11760 signed January 17, 1974 (39 FR 2343), the President designated the European Space Research Organization (ESRO) as a public international organization entitled to enjoy all the privileges, exemptions, and immunities provided for by the International Organizations Immunities Act of December 29, 1945 (59 Stat. 669). Executive Order No. 11760 supersedes previous Executive orders which granted ESRO a restricted status under the Act.

The names of public international organizations currently designated as entitled to free entry privileges under the International Organizations Immunities Act are set forth in § 148.87(b) of the Customs Regulations, together with the number and date of the Executive order by which they were designated.

Accordingly, § 148.87(b) is amended by the following addition (in proper alphabetical order) and deletion:

Addition:

Organization	Executive Order	Date
European Space Research Organization (ESRO).....	11760	Jan. 17, 1974
Deletion:		
European Space Research Organization.....	11318	Dec. 5, 1966

(R.S. 251, as amended, secs. 498, 624, 46 Stat. 728, as amended, 759, sec. 1, 59 Stat. 669 (19 U.S.C. 66, 1498, 1624, 22 U.S.C. 288))

Inasmuch as these amendments merely correct the listing of organizations entitled by law to claim free entry privileges as public international organizations, notice and public procedure thereon are found to be unnecessary and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved: March 25, 1974.

JAMES B. CLAWSON,
Assistant Secretary of the
Treasury.

[FR Doc. 74-7630 Filed 4-2-74; 8:45 am]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regs. 5, further amended]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Subpart H—Review and Hearing Under the Supplementary Medical Insurance Program

MISCELLANEOUS AMENDMENTS

On November 17, 1971, there was published in the FEDERAL REGISTER (36 FR 21895) a notice of proposed rulemaking with proposed amendments to Subpart H of Regulations No. 5. These amendments extend the time in certain instances during which an initial or review determination of a carrier or a decision of a hearing officer may be reopened and they make minor editorial and clarifying changes.

Also, on August 1, 1973, there was published in the FEDERAL REGISTER (38 FR 20466) notice of proposed rulemaking with proposed amendments to Subpart H of Regulations No. 5 in order to implement section 262 of Pub. L. 92-603. This section imposes a qualification amount of \$100 or more in controversy in order for an individual to be granted an opportunity for fair hearing under the Supplementary Medical Insurance Program.

Interested persons were given the opportunity to submit within 30 days, data, views, or arguments with respect to the proposed amendments. Two comments were received. One questioned the conformity of these regulations with the existing regulations pertaining to Hospital Insurance benefits in determining the amount in controversy. There is complete conformity, however. The other suggested that the carrier be granted the authority to dismiss a hearing where the amount in controversy is less than \$100. This was

not adopted since it would be counter to the principle of providing totally independent action by a hearing officer after a review has been conducted and a hearing requested. In addition to these, a change has been made in the second sentence of § 405.803(b) to avoid an incorrect interpretation. The clause "whether the receipted bill or other evidence of payment is acceptable" has been changed to "whether the itemized bill or other evidence of services rendered is acceptable." Accordingly, with this change the proposed amendments as set forth below are adopted.

(Secs. 1002, 1831-1843; 49 Stat. 647, as amended; 79 Stat. 301-313; 79 Stat. 331; 42 U.S.C. 1302, 1395j-1395v, and 1395hh)

Effective date. These amendments shall be effective May 3, 1974.

(Catalog of Federal Domestic Assistance Program No. 13.801, Health Insurance for the Aged—Supplementary Medical Insurance)

Dated: March 8, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: March 28, 1974.

CASPAR W. WEINBERGER,
Secretary of Health, Education,
and Welfare.

Part 405 of Title 20 of the Code of Federal Regulations is amended as follows:

1. Section 405.801 is revised to read as follows:

§ 405.801 Title XVIII, Part B—General.

(a) Section 1842(b) (3) (C) of the Act provides that a carrier shall establish and maintain procedures under which an individual enrolled in the supplementary medical insurance plan (see Subpart B of this Part) is provided with the opportunity for a hearing by the carrier when the amount in controversy is \$100 or more as determined in accordance with § 405.820(b) and he is dissatisfied with the carrier's determination denying a request for payment, or with the amount of payment under the supplementary medical insurance plan or when he believes that the request for payment is not being acted upon with reasonable promptness. A physician or other person who furnishes items or services to a person enrolled under the supplementary medical insurance plan and who accepts an assignment from the enrollee has the same right as the enrollee to appeal the carrier's determination.

(b) As used in this section, the term "with reasonable promptness" shall mean a period of 60 consecutive days after the receipt by the carrier of a request for payment.

2. Paragraphs (b) through (f) inclusive of § 405.802 are revised to read as follows:

§ 405.802 Definitions.

As used in this Subpart H the term:

* * * * *

(b) "Party" means a person enrolled under Part B of title XVIII, his assignee,