APPENDIX E.—*Rulings Construed by Interpretations Issued Through Sept. 30, 1978*

Rulings	Interpretations
1974-3	1975: -61, -62; 1976-25.
1974-4	1975-18.
1974-10	1974-16.
1974-11	1976-15.
1974-15	1975-39.
1974-17	1975-66.
1974-18	1975: -6, -66; 1976-20.
1974-19	1974-15; 1975: -52, -56.
1974-20	1974-24.
1974-22	1977-7.
1974-24	1974-28.
1974-29	1975: -41, -43.
1975-1	1975-74; 1977: -4, -51.
1975-2	1975: -22, -47, -63, -66; 1976: -1, -7 -20.
1975-4	1977-11; 1978-7.
1975-8	1975: -33, -60, -67, -70, -71, -72; 1976-23; 1977: -17, -27, -39, -40.
1975-9	1975-74; 1977: -4, -51.
1975-10	1977: -4, -51.
1975-11	1977-11; 1978-7.
1975-12	1975: -41, -43; 1977-48.
1975-14	1976-8.
1975-15	1975-42; 1978: -6, -9, -15.
1977-1	1977: -1, -26, -37, -43; 1978-15.
1977-2	1978: -6, -15.
1977-5	1978-19.

APPENDIX F.—*Statutes Construed by Interpretations and Rulings Issued Through Sept. 30, 1978*

Statutes	Interpretations	Rulings
Economic Stabilization Act of 1970, as amended	1975-12; 1976-24	
Energy Policy and Conservation Act of 1975, as amended.	1977: -7, -12, -22, -26, -38, -42; 1978-26.	
Energy Supply and Environmental Coordination Act of 1974.		1975-5
Emergency Petroleum Allocation Act of 1973, as amended.	1974: -6, -13, -22, -26, -27; 1975: -1, -5, -8, -12, -15, -56, -66; 1976: -4, -6, -12, -20, -21, -22, -23, -24; 1977: -3, -5, -7, -11, -28, -42; 1978: -1, -4, -51, -54.	1974: -3, -28; 1975-17; 1976-4; 1977-1.
Federal Energy Administration Act of 1974	1974-13	
Freedom of Information Act		1975-5.
Naval Petroleum Reserves Protection Act of 1976		1976-3.
Trans-Alaska Pipeline Authorization Act		1975-12; 1977-1.

[FR Doc. 78-30205 Filed 10-24-78; 8:45 am]

[3510-25-M]

Title 15—Commerce and Foreign Trade

CHAPTER III—INDUSTRY AND TRADE ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 368—U.S. IMPORTS

PART 372—INDIVIDUAL VALIDATED LICENSES AND AMENDMENTS

Delegation of Authority to St. Louis District Office To Issue Import Certificates and Process Amendment Requests

AGENCY: Office of Export Administration, Bureau of Trade Regulation, U.S. Department of Commerce.

ACTION: Final rule.

SUMMARY: In order to facilitate certain import and export control matters, selected U.S. Department of Commerce District Offices have been delegated authority to validate International Import Certificates and to process Amendments to Export Licenses. This authority is limited by certain conditions enumerated in Parts 368 and 372. This rule adds the St. Louis, Mo., District Office to the lists of district offices authorized to perform these functions.

EFFECTIVE DATE: October 20, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles C. Swanson, Director, Operations Division, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-377-4196.

SUPPLEMENTARY INFORMATION: Accordingly, the Export Administration Regulations (15 CFR Part 368 et seq.) are amended as follows:

1. Section 368.2(a)(2) is amended by inserting "St. Louis" in alphabetical order in the list of District Offices.

2. Section 372.11(g)(1) is amended by inserting "St. Louis" in alphabetical order in the list of District Offices.

(Sec. 4 Pub. L. 91-184, 83 Stat. 842 (50 U.S.C. App. 2403), as amended; E.O. 12002, 42 FR 35623 (1977); Department Organization Order 10-3, dated December 4, 1977, 42 FR 64721 (1977); and Industry and Trade Administration Organization and Function Order 45-1, dated December 4, 1977, 42 FR 64716 (1977).)

Dated: October 19, 1978.

STANLEY J. MARCUSS,
Deputy Assistant Secretary for Trade Regulation.

[FR Doc. 78-30098 Filed 10-24-78; 8:45 am]

[4810-22-M]

Title 19—Customs Duties

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

[TD 78-394]

CONFORMING AMENDMENTS REQUIRED BY THE "CUSTOMS PROCEDURAL REFORM AND SIMPLIFICATION ACT OF 1978"

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document conforms various sections of the Customs Regulations to the statutory changes made by Pub. L. 95-410, the "Customs Procedural Reform and Simplification Act of 1978," approved October 3, 1978. Statutory changes include:

1. Increasing the value of forfeited merchandise sold at summary sale;

2. Publishing precedential decisions in the Customs Bulletin;

3. Increasing the dollar amount of the personal exemption accorded returning U.S. residents;

4. Providing a flat rate of duty for articles intended for personal or household use, or as bona fide gifts, not imported for resale or for the account of another person, if valued not over $600;

5. Providing that the flat rate of duty and personal exemption provisions are applicable to articles which are purchased in and shipped from American Samoa, Guam, or the U.S. Virgin Islands and which do not accompany the U.S. resident upon his return to the United States;

6. Reducing the delay in the effective date of the imposition of a higher rate of duty resulting from an administrative ruling;

7. Increasing the dollar limits for which the Secretary of the Treasury may forgo collecting small amounts of duties;

8. Treating an air waybill in the same manner as a bill of lading for Customs purposes;

9. Excluding yachts and other pleasure boats from the prohibition against Customs officers owning vessels; and

10. Prohibiting admission of baggage and effects without entry for all returning individuals except where otherwise provided by law, and limiting expedited customs examination to special circumstances.

EFFECTIVE DATE: Different effective dates apply to the various sections as noted below under that part of the document entitled "Inapplicabilty of Public Notice Requirement and Delayed Effective Date."

FOR FURTHER INFORMATION CONTACT:

Legal aspects: Charles D. Ressin, Regulations and Legal Publications Division (202-566-8237); operational aspects: Harry W. Carnes, Inspection and Control Division (202-566-5607), 1301 Constitution Avenue NW., Washington, D.C. 20229.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Pub. L. 95-410, the "Customs Procedural Reform and Simplification Act of 1978," approved October 3, 1978 ("the Act"), amends various statutes administered by the Customs Service ("Customs"). As a result, it is necessary for Customs to amend its regulations contained in Chapter I of Title 19, Code of Federal Regulations (19 CFR Chapter I), to conform to the statutory changes. The amendments in this document represent technical changes and changes not requiring public comment necessary to conform the regulations to the Act. Other amendments which will require public comment will be the subject of separate documents to be published in the FEDERAL REGISTER as notices of proposed rulemaking.

SUMMARY SALE OF FORFEITED MERCHANDISE

1. Section 111 of the Act amends sections 607, 610, and 612, Tariff Act of 1930, as amended (19 U.S.C. 1607, 1610, 1612), to increase from $2,500 to $10,000 the value of merchandise seized and forfeited because of violations of the Customs laws which may be sold at summary sale without judicial proceedings. Sections 162.32(b), 162.43(c), 162.45, 162.46, 162.47(a), and 162.48, Customs Regulations, are being amended to reflect this change.

PUBLICATION OF PRECEDENTIAL DECISIONS

2. Section 112 of the Act amends the Tariff Act of 1950 by adding a new section 625, entitled "Publication of Decisions." New section 625 requires that any precedential decision issued by Customs with respect to any Customs transaction under the Tariff Act, including any ruling letter, internal advice memorandum, or protest review decision, shall be published in the Customs Bulletin or otherwise made avail

able for public inspection within 120 days after the decision is issued. Sections 177.10(a) and 177.11(b)(7), Customs Regulations, are being amended and a new § 174.32 is being added to incorporate these requirements.

Customs has begun an expanded program of publishing its more significant administrative decisions in the Customs Bulletin. Furthermore, a listing of decisions which are not of sufficient general interest to warrant publication as Treasury Decisions also is published in the Customs Bulletin. Other decisions are available under the Freedom of Information Act, as amended. In the future, Customs intends to make available to the public its precedential decisions by using advanced technology, such as microfiche. As new mechanisms are developed, a notice will be published in the FEDERAL REGISTER advising the public of the specific procedures to obtain a decision.

METRIC CONVERSION

3. Section 202 of the Act in part amends Schedule 8, Tariff Schedules of the United States ("TSUS") (19 U.S.C. 1202), to convert to the metric system of measurement with respect to quantities of merchandise to which an exemption from duty is accorded to individuals entering the United States. Conversion becomes effective on January 1, 1980, when the regulations of the Bureau of Alcohol, Tobacco, and Firearms will require all containers of alcoholic beverages to be in metric sizes. This document is limited to aspects of section 202 which are nonmetric in nature or which are not to be considered as metric changes. Amendments to the Customs Regulations to reflect the metric conversion will be published at a future time.

PERSONAL EXEMPTIONS

4. Section 202 also amends schedule 8, TSUS, to equalize the personal liquor and cigarette duty-free exemption for returning U.S. residents and nonresidents. Item 812.20, TSUS, is amended to reduce from 300 to 200 the number of cigarettes which may be brought in by an adult nonresident for his own consumption. Section 148.43(a), Customs Regulations, is being amended to reflect this change. Item 812.25, TSUS, is amended to eliminate alcoholic beverage and cigarettes from the category of articles that a nonresident may import duty-free as bona fide gifts. Sections 148.43(b) and 148.44(a), Custom Regulations, are being amended to reflect these changes. Item 812.40, TSUS, is amended to include not more than 4 liters of alcoholic beverages which may accompany an arriving adult person (resident or nonresident) who is in transit to a place outside outside of the United States. Sections 148.41 and 148.66(b), Customs Regulations, are being amended to reflect this change. Item 813.30, TSUS, is amended to limit to 200 (one carton) the number of cigarettes that may accompany a returning U.S. resident. Section 148.33(d)(1), Custom Regulations, is being amended to reflect this change.

Item 813.10, TSUS in amended to provide that U.S. citizens who are residents of American Samoa, Guam, or the Virgin Islands of the United States ("Virgin Islands") shall be treated as residents for purposes of applying items 812.25 and 813.30, TSUS. Sections 148.2(b) and 148.31(a), Customs Regulations, are being amended to reflect this change.

In addition, item 813.31, TSUS, is amended to increase the dollar amount of the personal exemption accorded returning U.S. residents. The prior exemption was $100, or $200 in the case of persons arriving directly or indirectly from American Samoa, Guam, or the Virgin Islands. These amounts are increased to $300 and $600, respectively. Sections 148.12(b)(1)(i) and 148.17 (b) and (c), subpart D of part 148, and § 148.51(a)(2), Customs Regulations, are being amended to reflect these changes.

FLAT RATE OF DUTY

5. The tariff classification and rate of duty of an imported article generally were not affected by the commercial or noncommercial nature of the importation before enactment of Pub. L. 95-410. Exceptions to this rule included the personal exemptions provided for returning residents and nonresidents and the provisions granting free entry of unsolicited gifts not exceeding $10 in value. A returning resident was entitled to an exemption from duty for articles accompanying him of up to $100 aggregate value ($200 if coming from the insular possessions of the United States). Dutiable articles over the $100 limitation were subject to duty at the rate prescribed in the applicable provisions of TSUS.

Section 203 of the Act amends schedule 8, TSUS, by redesignating present part 6 as part 7 and by introducing a new Part 6, comprised of items 869.00 and 869.10, TSUS, entitled "Noncommercial Importations of Limited Value." New part 6 applies to articles intended for personal or household use, or as bona fide gifts, not imported for resale or for the account of another person, if valued not over $600 fair retail value in the country of acquisition and accompanying "a person," including a crewmember, arriving in the United States. In these circumstances, a flat rate of duty of 10 percent (or 5 percent, for articles acquired in American Samoa, Guam, or the Virgin Islands) of the fair retail value of the articles would be assessed in place of any other rates of duty except free rates of duty. The flat rate of duty does not apply to commercial entries.

To implement section 203 of the Act, part 148, Customs Regulations, concerning personal declarations and exemptions, is being further amended by adding a new subpart J relating to noncommercial importations of limited value.

New § 148.101 provides that if the dutiable amount of the article(s) is over $600 fair retail value, the flat rate of duty provisions would apply to the amount not over $600 fair retail value and the excess amount would be valued under section 402 or 402(a), Tariff Act of 1930, as amended (19 U.S.C. 1401a, 1402). The article(s) would be classified under the appropriate TSUS item number.

New § 148.103 provides that when members of a family residing in one household travel together on their return to the United States, the flat rate of duty allowance under item 869.00 or 869.10, TSUS, will be grouped and allowed without regard to which member of the family may be the owner of the articles. For example, an eligible family of four would have their articles grouped for a total of $2,400 fair retail value for entry at the flat rate of duty. This section parallels the provision relating to personal exemptions presently found in § 148.34, Custom Regulations.

Section 203 of the Act also provides that if application of the flat rate of duty to particular articles adversely affects the economic interest of the United States, the Secretary of the Treasury or his delegate may exclude those articles from the application of this provision. Part 148, Customs Regulations, is being amended by adding a new § 148.105 to establish a procedure for excluding articles from the flat rate of duty provisions if the importation of the articles adversely affects the economic interests of the United States.

ARTICLES TO FOLLOW

6. Under section 203 of the Act, the flat rate of duty provisions are applicable to articles which are purchased in *and* shipped from American Samoa, Guam, or the Virgin Islands by "a person," including a crewmember, and which do not accompany the person upon his arrival in the United States.

Previously, under item 813.31, TSUS, the personal exemption provisions applicable to a U.S. resident arriving directly or indirectly from American Samoa, Guam, or the Virgin Islands permitted the exemption from duty only with respect to articles accompanying the returning U.S. resident.

Under section 202 of the Act, U.S. residents arriving directly or indirectly from American Samoa, Guam, or the Virgin Islands may apply the personal exemption to articles purchased there even if the articles do not accompany the resident upon his return to the United States. The personal exemption thus is applicable to articles purchased in the islands by U.S. residents for delivery to them after their return to the United States.

To implement sections 202 and 203 of the Act, concerning unaccompanied articles purchased in and shipped from American Samoa, Guam, or the Virgin Islands, part 148 is further amended by adding a new subpart K. Conforming amendments to part 145 are also being made.

New § 148.116 provides that a claim for administrative review may be filed if the person is dissatisfied with the amount of duties assessed an unaccompanied article. This section provides a remedy to the person who is entitled to the flat rate of duty allowance but is assessed duty under another item or items of the tariff schedules when the article or articles arrive(s) in the United States. This situation may arise, for example, if the proper documentation did not accompany the shipment.

Crewmembers, while not entitled to the benefit of the articles to follow provision of item 813.31, are entitled to use the articles to follow provision of item 869.10.

Effective Date for Increase of Duty

7. Section 315(d), Tariff Act of 1930, as amended (19 U.S.C. 1315(d)), formerly provided that no administrative ruling resulting in a higher rate of duty than found to have been applicable to imported merchandise under an established and uniform practice shall be effective prior to the expiration of 30 days after the date of publication of the ruling in the weekly "Treasury Decisions" (now the "Customs Bulletin").

Section 204 of the act amends 19 U.S.C. 1315(d) to provide that no administrative ruling described above shall be effective prior to the expiration of 30 days after the date of publication of the ruling in the Federal Register rather than the Customs Bulletin. Section 177.10(e), Customs Regulations, is being amended to reflect this change.

Duty Collection Where Expenses Are Disproportionate

8. Section 321, Tariff Act of 1930, as amended (19 U.S.C. 1321), formerly permitted the Secretary of the Treasury to forgo collecting specified small amounts of duties and taxes where the expense and inconvenience to the Government of collection were disproportionate to the amount of revenue that was collected.

Under 19 U.S.C. 1321(a)(1), the Secretary was authorized to disregard a difference of less than $3 between estimated duties or taxes deposited and duties or taxes ultimately determined to be due. Under 19 U.S.C. 1321(a)(2)(A), the Secretary was authorized to admit bona fide gifts to persons in the United States free of duty and tax if the aggregate value of the exempt articles imported by one person on 1 day did not exceed $10 ($20 if from American Samoa, Guam, or the Virgin Islands). Likewise, under 19 U.S.C. 1321(a)(2)(B), the Secretary was authorized to admit free of duty and tax articles up to a value of $10 per person per day which accompanied, and which were for the personal household use of, persons arriving in the United States who were not entitled to other listed exemptions. Under 19 U.S.C. 1321(a)(2)(C), the Secretary was authorized to admit free of duty and tax in any other case $1 worth of goods per person per day.

Section 205 of the Act increases the dollar limits in 19 U.S.C. 1321 from $3 to $10 (sec. 1321(a)(1)); $10 to $25 and $20 to $40 (sec. 1321(a)(2)(A)); $10 to $25 (sec. 1321(a)(2)(B)); and $1 to $5 (sec. 1321(a)(2)(C)). Also, the authority to forego an underpayment of "duties or taxes" is changed to "duties and taxes". Whereas previously $3 of duty and $3 of tax could be disregarded, the Act limits the total amount of duty and tax underpayment which may be disregarded to $10 (not $10 of duty and $10 of tax). Sections 10.151, 10.152, 10.153(b), 10.153 (d)(2) and (d)(3), 10.153 (e) and (f), 145.31, 145.32, 148.12(b)(2)(ii), 148.51(b)(1), and 159.6, Customs Regulations, are being amended to reflect these changes.

Air Waybills

9. Section 483(1), Tariff Act of 1930, as amended (19 U.S.C. 1483(1)), makes all imported merchandise the property of the consignee for purposes of Customs law administration. The holder of a bill of lading endorsed by the consignee named in the bill (or, if the merchandise is consigned to order, endorsed by the consignor) is considered to be the consignee of the merchandise.

However, the holder of an endorsed air waybill for merchandise imported by air previously was not considered to be the consignee and owner of the merchandise under 19 U.S.C. 1483 because article 12 of the Warsaw Convention (49 Stat. 3017) permits the consignor to direct the air carrier not to deliver merchandise to the person named in the air waybill. Thus, the carrier has been required to certify that the holder of an air waybill is the consignee of the merchandise.

Section 207 of the Act amends 19 U.S.C. 1483 to create the same presumption for a holder of a properly endorsed air waybill as exists for a holder of a properly endorsed bill of lading (that he is the consignee of the merchandise). At the same time, 19 U.S.C. 1483 is further amended to insure that the rights of the consignor under article 12 of the Warsaw Convention remain the same. For Customs purposes, an air waybill now will be treated in the same manner as a bill of lading so that a separate air carrier's certificate would no longer be necessary to enter merchandise. Sections 141.11(a), 141.13, 141.14, 141.15, 141.16(a), 141.53(d), 141.54 (b) and (c), 141.111(b)(4), and 141.111(c), Customs Regulations, are being amended to reflect these changes.

Ownership of Yachts by Customs Officers and Employees

10. Section 599, Tariff Act of 1930 (19 U.S.C. 1599), prohibits Customs officers from owning any vessels. This provision has been interpreted to prohibit ownership of yachts and other pleasure boats by Customs officers and employees.

Section 212 of the Act amends 19 U.S.C. 1599 by excluding yachts and other pleasure boats from the prohibition against Customs officers owning vessels.

Accordingly, part 4, Customs Regulations, is being amended by adding a new § 4.101 to reflect this prohibition and exception.

Entry of Individuals

11. Treasury Decision 76-325 prohibited the prior practice of Customs permitting certain U.S. officials and employees duty-free entry of articles they brought with them from abroad by not requiring them to enter their baggage and effects. However, expedited Customs examination and clearance for these officials still was permitted in certain circumstances. (See 41 FR 50997, Nov. 19, 1976).

Section 215 of the Act prohibits admission of the baggage and effects without entry for all individuals returning to the United States from abroad in all situations except where otherwise provided by law. Also, no individual shall be entitled to expedited Customs examination and clearance of his or her baggage and effects unless under special circumstances, including when that individual is seriously ill or infirm, summoned home by news of affliction or disaster, or accompanying the body of a deceased relative. Section 148.84, Customs Regulations, is being amended to reflect this change.

INAPPLICABILITY OF PUBLIC NOTICE REQUIREMENT AND DELAYED EFFECTIVE DATE

Because each of these amendments merely implements a statutory requirement, notice, and public procedure thereon are unnecessary, and good cause exists for dispensing with the delayed effective date provisions of 5 U.S.C. 553.

Except as hereafter provided, each amendment is effective on October 3, 1978, the date of enactment of Pub. L. 95-410. However, Pub. L. 95-410 provides that the personal exemption provisions in section 202 and the flat rate of duty provisions in section 203 shall be effective on the 30th day following enactment. Accordingly, the amendments to §§ 145.12 and 145.43 and each amendment to part 148, except amendments to §§ 148.12(b)(2)(ii), 148.51(b)(1), and 148.84, which are effective on the date of enactment, are effective on November 2, 1978, the 30th day following enactment.

COMMENTS

Since the amendments in this document merely implement statutory requirements which are effective on the date of enactment of Pub. L. 95-410, or on the 30th day following enactment, these amendments are being published as a final rule. Recognizing the need to assess the effects of these amendments, the Customs Service will evaluate their impact as soon as sufficient experience has been acquired, with a view to making appropriate revisions.

Customs will entertain written comments from the public. Any comments received will be reviewed to determine whether it would be appropriate to change the amendments in the future. Written comments should be addressed to the Commissioner of Customs, Attention: Regulations and Legal Publications Division, Room 2335, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229. Comments submitted will be available for public inspection in accordance with § 103.8(b) of the Customs Regulations (19 CFR 103.8(b)), during regular business hours, at the Regulations and Legal Publications Division.

DRAFTING INFORMATION

The principal authors of this document were Charles D. Ressin and John E. Elkins, Regulations and Legal Publications Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

AMENDMENTS TO THE REGULATIONS

Parts 4, 10, 141, 145, 148, 159, 162, 174, and 177, Customs Regulations (19 CFR 4, 10, 141, 145, 148, 159, 162, 174, 177), are amended in the following manner:

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

1. Part 4 is amended by adding a new § 4.101 to read as follows:

§ 4.101 Prohibitions against Customs officers and employees.

No Customs officer or employee shall:

(a) Own, in whole or in part, any vessel except a yacht or other pleasure boat;

(b) Act as agent, attorney, or consignee for the owner or owners of any vessel, or of any cargo or lading on board the vessel; or

(c) Import or be concerned directly or indirectly in the importation of any merchandise for sale into the United States

(Sec. 599, 46 Stat. 753 (19 U.S.C. 1599).)

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

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

§ 10.151 [Amended]

1. Section 10.151 is amended by substituting "$5" for "$1" in the section heading and text.

§ 10.152 [Amended]

2. The first sentence of § 10.152 is amended by substituting "$25" for "$10" and "$40" for "$20".

§ 10.153 [Amended]

3. The third sentence of § 10.153(b) is amended by substituting "$25" for "$10" and "$40" for "$20".

4. Sections 10.153(d)(2) and 10.153(d)(3) are amended by substituting "$25" for "$10" and "$40" for "$20".

5. Section 10.153(e) is amended by substituting "$5" for "$1".

6. Section 10.153(f) is amended by substituting "$25" for "$10" and "$40" for "$20".

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

PART 141—ENTRY OF MERCHANDISE

1. Section 141.11(a)(1) is amended to read as follows:

§ 141.11 Evidence of right to make entry for importations by common carrier.

(a) *Merchandise not released directly to carrier.* * * *

(1) A bill of lading or air waybill, presented by the holder thereof, properly endorsed when endorsement is required under the law. A nonnegotiable bill of lading, or air waybill, may not be endorsed by the named consignee to give someone else the right to make entry. If the person making entry intends to use the original bill of lading or air waybill to obtain a duplicate bill of lading, duplicate air waybill, or carrier's certificate from the carrier, the exchange shall be made before the entry is filed, and the duplicate bill of lading, duplicate air waybill, or carrier's certificate shall be used to make entry in accordance with subparagraph (3) or (4) of this paragraph. For purposes of this part, the rights of the consignor relating to an air waybill as prescribed by the Warsaw Convention (49 Stat. 3017) shall be protected.

* * * * *

2. Section 141.11(a)(2) is amended by inserting "or air waybill" after "bill of lading" and "or air waybills" after "bills of lading".

3. Section 141.11(a)(3) is amended by inserting "or air waybill" after "bill of lading" where it appears in the text, the title of the form, and the text of the form.

4. Section 141.11(a)(6) is amended by inserting "or air waybill" after "bill of lading".

5. Section 141.13 is amended to read as follows:

§ 141.13 Right to make entry of abandoned or salvaged merchandise.

Underwriters of abandoned merchandise or salvors of merchandise saved from a wreck who are unable to produce a bill of lading, air waybill, certified duplicate bill of lading or air waybill, or carrier's certificate, shall produce evidence satisfactory to the district director of their right to act.

6. Section 141.14 is amended to read as follows:

§ 141.14 Deceased or insolvent consignees and court-appointed administrators.

The executor or administrator of the estate of a deceased consignee, the receiver or other legal representative of an insolvent consignee, or the representative appointed in any action or proceeding at law to act for a consignee shall not be permitted to make entry unless he produces a duly endorsed bill of lading or air waybill, a carrier's certificate, or a duplicate bill of lading or air waybill, executed in accordance with subsections (h) or (i) of section 484, Tariff Act of 1930, as amended (19 U.S.C. 1484), showing him to be the consignee for Customs purposes.

7. Section 141.15(a) is amended to read as follows:

§ 141.15 Bond for production of bill of lading or air waybill.

(a) *When appropriate.* If the person desiring to make entry is unable to present a bill of lading, air waybill, or other evidence of right to make entry in accordance with § 141.11, the district director may accept a bond for the production of a bill of lading or air waybill under the provisions of section 484(c), Tariff Act of 1930, as amended (19 U.S.C. 1484(c)). The bond shall be for the production of a bill of lading or air waybill, unless the person making entry intends to produce a carrier's certificate or certified duplicate bill of lading or air waybill. In that case, no bond is required because section 484(c) does not apply to entries made on a carrier's certificate or certified duplicate bill of lading or air waybill. If the district director is in doubt as to the propriety of accepting entry on a bond for the production of a bill of lading or air waybill, he shall request authority to do so from the Commissioner of Customs.

* * * * *

8. Section 141.15(c) is amended by inserting "or air waybill" after the term "bill of lading" wherever it appears.

§ 141.16 [Amended]

9. Section 141.16(a) is amended by inserting "or air waybill" after the term "bill of lading" wherever it appears in the heading and text.

§ 141.53 [Amended]

10. Section 141.53(d) is amended by inserting "or air waybill" after the term "bill of lading" wherever it appears in the text.

11. Section 141.54(b) is amended by inserting "or air waybill" after the term "bill of lading" wherever it appears in the heading, text, and endorsement.

12. Section 141.54(c) and footnote 1 to the form entitled "Authority To Make Entry" included therein are amended to read as follows:

§ 141.54 Separate entries for consolidated shipments.

* * * * *

(c) *Certificate by nominal consignee.* Except when an authority to make entry for a portion of a consolidated shipment is executed on the entry form in the space provided, at the time of depositing the bill of lading, air waybill, or other document, the named consignee shall produce a certificate prepared and signed by him for each portion of the shipment for which separate entry is desired. The authority to make entry carried by such a certificate may be transferred by endorsement. The certificate shall be in the following form:

* * * * *

[1] Insert "bill of lading," "air waybill," "certified duplicate bill of lading," "certified duplicate air waybill," "carrier's certificate," or "shipping receipt."

§ 141.111 [Amended]

13. Section 141.111(b)(4) is amended by inserting "or air waybill" after the term "bill of lading" wherever it appears in the text and form.

14. Section 141.111(c) is amended by inserting "or air waybill" after "bill of lading."

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

PART 145—MAIL IMPORTATIONS

1. The first sentence of § 145.12(b) is amended by substituting "paragraphs (c) and (e)" for "paragraph (c)".

2. Section 145.12 is further amended by adding a new paragraph (e) to read as follows:

§ 145.12 Entry of merchandise.

* * * * *

(e) *Unaccompanied shipments*—(1) *Mail entry to be attached.* If the requirements of § 148.115(a) of this chapter are met, Customs officers shall prepare and attach a mail entry, Customs Form 3419, for each shipment for which entry is claimed under item 869.10, Tariff Schedules of the United States (19 U.S.C. 1202), which is to be delivered by the Postal Service, and return the shipment to the Postal Service for delivery and collection of duty. If the addressee has arranged to pick up the shipment at the Customs office where it is being processed, the Customs officer shall prepare an informal entry, Customs Form 5119-A, and collect the duty in accordance with Subpart C of Part 143 of this chapter if the requirements of § 148.115(a) of this chapter are met.

(2) *Disposition of Customs Form 255.* The Declaration of Unaccompanied Articles, Customs Form 255, affixed to the shipment shall be removed by the Customs officer and retained for Customs purposes. If a mail entry, Customs Form 3419, has been prepared, the mail entry number shall be noted on the Customs Form 255.

§ 145.31 [Amended]

3. Section 145.31 is amended by substituting "$5" for "$1" in the section heading and text.

§ 145.32 [Amended]

4. Section 145.32 is amended by substituting "$25" for "$10" and "$40" for "$20".

5. Part 145 is further amended by adding a new § 145.43 to read as follows:

§ 145.43 Unaccompanied tourist shipments.

Unaccompanied tourist shipments for which entry is claimed under item 813.31, Tariff Schedules of the United States (19 U.S.C. 1202), may be passed free of duty and tax if the requirements of § 148.115(a) of this chapter are met. The Declaration of Unaccompanied Articles, Customs Form 255, shall be removed by the Customs officer from the shipment and retained for Customs purposes.

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

PART 148—PERSONAL DECLARATIONS AND EXEMPTIONS

§ 148.2 [Amended]

1. The first sentence of § 148.2(b) is amended by inserting "(including American citizens who are residents of American Samoa, Guam, or the Virgin Islands of the United States)" after "or persons who have formerly resided in the United States" and by substituting "of the United States" for "thereof".

§ 148.12 [Amended]

2. Section 148.12(b)(1)(i) is amended by substituting "$300" for "$100" and "$600" for "$200".

3. Section 148.12(b)(2)(ii) is amended by substituting "$25" for "$10".

§ 148.31 [Amended]

4. The first sentence of § 148.31(a) is amended by inserting "(including American citizens who are residents of American Samoa, Guam, or the Virgin Islands of the United States)" after "Each returning resident".

§ 148.17 [Amended]

5. Sections 148.17 (b) and (c) are amended by substituting "$300" for "$100" and "$600" for "$200".

Subpart D—[Amended]

6. Subpart D of Part 148 is amended by substituting "$300" for "$100" and "$600" for "$200" wherever those amounts appear.

§ 148.33 [Amended]

7. Section 148.33(d)(1) is amended by inserting "200 cigarettes and" before "100 cigars".

§ 148.41 [Amended]

8. Section 148.41 is amended by inserting "(including not more than 4 liters of alcoholic beverages)" after "articles not exceeding $200 in aggregate value".

§ 148.43 [Amended]

9. Section 148.43(a) is amended by substituting "200 cigarettes" for "300 cigarettes" in the first sentence and by replacing the semicolon in the second sentence with a period and deleting the remainder of the second sentence.

10. Section 148.43(b) is amended by deleting "not more than 1 wine gallon of alcoholic beverages and" and substituting "cigars" for "articles".

§ 148.44 [Amended]

11. The first sentence of § 148.44(a) is amended by inserting "(not including alcoholic beverages and cigarettes, but including not more than 100 cigars)" after "articles not over $100 in aggregate value". The second sentence of this section is amended to read as follows:

"See section 148.43(b) for limitations on cigars under this exemption."

§ 148.51 [Amended]

12. Section 148.51(a)(2) is amended by substituting "$300" for "$100" and "$600" for "$200".

13. Section 148.51(b)(1) is amended by substituting "$25" for "$10".

§ 148.66 [Amended]

14. Section 148.66(b) is amended by inserting "(including not more than 4 liters of alcoholic beverages)" after "articles not exceeding $200 in aggregate value".

15. Section 148.84 is amended to read as follows:

§ 148.84 Special treatment for returning individuals.

(a) Except as otherwise provided by law, an individual returning to the United States from abroad:

(1) Shall not have his or her baggage and effects admitted free of duty without entry.

(2) Shall not be entitled to expedited Customs examination and clearance of his or her baggage and effects unless the district director finds:

(i) That the individual:

(A) Is seriously ill or infirm;

(B) Was summoned by news of affliction or disaster; or

(C) Is accompanying the body of a deceased relative; or

(ii) That a special circumstance exists which warrants expedited examination and clearance.

(b) For purposes of this section, the term "baggage and effects" means any article which was in the possession of the individual while abroad, is being imported in connection with his or her arrival, and is intended for his or her bona fide personal or household use. This term does not include any article imported as an accommodation to others or for sale or other commercial use.

16. Part 148 is further amended by adding new Subparts J and K to read as follows:

Subpart J—Noncommercial Importations of Limited Value

Sec.
148.101 Applicability.
148.102 Flat rate of duty.
148.103 Family grouping of allowances.
148.104 Frequency of use.
148.105 Procedure for excluding articles from flat rate of duty.
148.106 Excluded articles of merchandise.

Subpart K—Unaccompanied Shipments from American Samoa, Guam, or the Virgin Islands of the United States

Sec.
148.110 Applicability.
148.111 Written declaration for unaccompanied articles.
148.112 Evidence of purchase.
148.113 Declaration, entry, and collection of duty.
148.114 Shipment of unaccompanied articles.
148.115 Release of shipment.
148.116 Claim for refund.

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

Subpart J—Noncommercial Importations of Limited Value

§ 148.101 Applicability.

Each person, including a crewmember, arriving in the United States who enters articles for his personal or household use, or as bona fide gifts not imported for sale nor for the account of another person, valued in the aggregate at not over $600 fair retail value in the country of acquisition, shall be assessed a flat rate of duty on the articles, as provided in § 148.102. The entry shall be made under item 869.00 or 869.10, Tariff Schedules of the United States (19 U.S.C. 1202), and is subject to the limitations and conditions in this subpart. Except as provided in § 148.105, the flat rate of duty shall be assessed in place of any rates of duty other than free rates of duty. If the dutiable amount of the article(s) is over $600 fair retail value, the flat rate of duty provisions shall apply to the amount not over $600 fair retail value, and the excess amount shall be valued under section 402 or 402(a), Tariff Act of 1930, as amended (19 U.S.C. 1401a, 1402). The article(s) shall be classified under the appropriate item number of the tariff schedules. For purposes of this subpart, "fair retail value" in the country of acquisition means the price at which the merchandise is freely offered there for sale at retail and "country of acquisition" includes America Samoa, Guam, and the Virgin Islands of the United States.

Two examples of the application of this subpart are set forth below:

Example 1: B returned from Europe where he acquired merchandise having a fair retail value of $1,050. Assume for purposes of this example that (1) in addition to the personal exemption of $300, $100 of the merchandise carries a free rate of duty, (2) allowances and exemptions have not been used within the past 30 days, and (3) all articles in excess of allowances and exemptions and duty-free articles are dutiable at rates other than the flat rate.

B presents his baggage to the Customs officer for examination and his declaration for verification. Duty is figures as follows:

	Fair retail value	Duty
(a) The $300 personal exemption	$300	—
(b) Articles which carry a free rate of duty	100	—
(c) The $600 flat rate of duty allowance calculated at 10 percent	600	$60
(d) Balance of articles subject to duty at rates other than flat rate	[1] 50	(1)
Total	1,050	(1)

[1] The articles not covered by exemptions, allowances, and duty-free rates will be valued under section 402 or 402(a), Tariff Act of 1930, as amended, and duty calculated at rates other than the flat rate.

Example 2: Mr. and Mrs. B return from the U.S. Virgin Islands. During the trip, they acquired merchandise having a fair retail value of $2,900. Assume for purposes of this example that (1) in addition to the personal exemption of $600 for each returning resident, $100 of the merchandise carries a free rate of duty, (2) allowances and exemptions have not been used within the past 30 days, (3) all articles in excess of allowances and exemptions and duty-free articles are dutiable at rates other than the flat rate, and (4) Mrs. B made $400 in purchases on the trip, none of which carries a free rate of duty.

Mr. and Mrs. B present their baggage to the Customs officer for examination and their declaration for verification. Duty is figured as follows:

	Fair retail value	Duty
(a) The $600 personal exemptions for residents returning from the Virgin Islands are grouped for a total of	$1,200	—
(b) Articles which carry a free rate of duty	100	—
(c) The $600 flat rate of duty allowances calculated at 5 percent for persons arriving from the Virgin Islands are grouped for a total of	1,200	$60
(d) Balance of articles subject to duty at rates other than the flat rates of duty	[1] 400	(1)
Total	2,900	(1)

[1] The articles not covered by exemptions, allowances, and duty-free rates will be valued under section 402 or 402(a), Tariff Act of 1930, as amended, and duty calculated at rates other than the flat rate.

§ 148.102 Flat rate of duty.

(a) *Generally.* The rate of duty on articles accompanying any person, including a crewmember, arriving in the United States (exclusive of duty-free articles and articles acquired in American Samoa, Guam, or the Virgin Islands of the United States) shall be 10 percent of the fair retail value in the country of acquisition.

(b) *Insular possessions.* The rate of duty on articles accompanying any person, including a crewmember, arriving in the United States directly or indirectly from American Samoa, Guam, or the Virgin Islands of the United States (exclusive of duty-free articles), acquired in these insluar possessions as an incident of the person's physical presence there, shall be 5 percent of the fair retail value in the insular possession in which acquired.

§ 148.103 Family grouping of allowances.

(a) *Generally.* When members of a family residing in one household travel together on their return to the United States, the flat rate of duty allowance will be grouped and allowed without regard to which member of the family is the owner of the articles. A group allowance shall not include an allowance for a family member not entitled to it in his own right, nor shall a group allowance be applied to any property of that member.

(b) *Members of a family residing in one household.* "Members of a family residing in one household" shall include all persons, regardless of age, who:

(1) Are related by blood, marriage, or adoption;

(2) Lived together in one household at their last permanent residence; and

(3) Intend to live in one household after their arrival in the United States.

§ 148.104 Frequency of use.

(a) *30-day period.* The flat rate of duty shall not apply to a person who has used the provision within the 30-day period immediately prior to his arrival in the United States. The date of the person's last arrival on which he declared articles for which the flat rate of duty was applicable shall be considered the date that rate was last used.

(b) *Computation of time.* The 30-day period immediately prior to the person's arrival in the United States shall be computed by excluding the day of arrival and counting backward 30 days.

(c) *Remainder not applicable to subsequent journey.* A person who has received a flat rate of duty allowance of less than $600 in connection with his return from one journey is not entitled to apply the remainder to articles acquired abroad on a subsequent journey.

§ 148.105 Procedure for excluding articles from flat rate of duty.

(a) *Generally.* Any person who has information that merchandise is being imported into the United States under the provisions of item 869.00 or 869.10, Tariff Schedules of the United States (19 U.S.C. 1202), and this subpart which adversely affects the economic interest of the United States may communicate the information in writing to the Commissioner of Customs, Attention: Office of Operations, Washington, D.C. 20229.

(b) *Content of communication.* The communication to the Commissioner need not be in any particular form but shall contain the following:

(1) The name of the individual and the person, firm, or association the individual represents, if any;

(2) The nature of the individual's interest in the matter, if any;

(3) A description of the merchandise, which it is alleged affects the economic interest of the United States adversely, including item numbers of the tariff schedules, if known;

(4) The country of acquisition and the ports and dates of entry of the merchandise, if known; and

(5) A statement and supporting evidence as to the manner in which the individual believes the economic interest of the United States is being adversely affected.

(c) *Inquiry to be conducted.* Upon receipt of a communication containing the information required by paragraph (b) of this section, an inquiry will be conducted.

(d) *Negative determination.* If the inquiry results in a finding that no reasonable cause exists to believe that the application of the flat rate of duty provisions to a particular article of merchandise is adversely affecting the economic interest of the United States, the inquirer shall be advised in writing of the finding and the matter shall be closed.

(e) *Publication of tentative finding.* If the inquiry results in a finding by the Secretary of the Treasury that reasonable cause exists to believe that the application of the flat rate of duty provisions to a particular article of merchandise is affecting the economic interest of the United States adversely, a notice of the finding will be published in the FEDERAL REGISTER and Customs Bulletin, along with a statement of intent to exclude the articles from application of the flat rate of duty provisions. Interested persons will be given an opportunity to submit written comments on the notice.

(f) *Final determination.* Based upon the comments received and the results of any additional inquiry as may be necessary, if it is determined by the Secretary of the Treasury that application of the flat rate of duty provisions adversely affects the economic interest of the United States, a Treasury Decision will be published in the FEDERAL REGISTER and Customs Bulletin announcing that the merchandise will be excluded from application of the flat rate of duty provisions. Excluded articles of merchandise shall be listed in § 148.106. If it is determined by the Secretary of the Treasury that a valid basis for excluding the merchandise from the flat rate of duty provisions does not exist, the notice proposing to exclude the article will be withdrawn by publishing a notice in the FEDERAL REGISTER and the Customs Bulletin.

§ 148.106 Excluded articles of merchandise.

The following articles of merchandise have been found to affect the economic interest of the United States adversely, and they are excluded from the application of the flat rate of duty provisions.

[Reserved for listing.]

Subpart K—Unaccompanied Shipments From American Samoa, Guam or the Virgin Islands of the United States

§ 148.110 Applicability.

The provisions of this subpart are applicable to articles not accompanying a person, including a crewmember, which are purchased in and shipped from American Samoa, Guam, or the Virgin Islands of the United States. However, this subpart is not applicable to the importation of unaccompanied articles in a manner prohibited by law or regulation (e.g., mail shipments of alcoholic beverages or alcoholic beverages shipped other than by mail in excess of quantities authorized by State laws or regulations).

The following is a summary of the procedure to be followed to obtain the benefits of this subpart: A person purchasing articles in American Samoa, Guam or the Virgin Islands of the United States would receive a sales slip, invoice, or other evidence of purchase which he would present to the Customs officer along with his baggage declaration, Customs Form 6059-B, and a Declaration of Unaccompanied Articles, Customs Form 255. The latter form is prepared in triplicate for each shipment to follow. The Customs officer would verify the information, indicate on the form whether the article or articles were free of duty, dutiable at the flat rate, or a combination of the foregoing, and validate the form. Two copies would be returned to the traveler, who would send one form to the vendor. Upon receipt of the form the vendor would place it in an envelope, affix it to the outside of the package, clearly mark the package "Unaccompanied Tourist Shipment," and send the package to the traveler, generally via mail, although it could be sent by other means. If sent through the mail, the package would be examined by Customs and forwarded to the Postal Service for delivery. Any duties due would be collected by the mailman. If the shipment arrives other than through the mail, the traveler would be notified by the carrier when the article arrives. Entry would be made by the carrier or the traveler at the customhouse. Any duties due would be collected at that time.

§ 148.111 Written declaration for unaccompanied articles.

The baggage declaration, Customs Form 6059-B, of a person (the crewmembers declaration, Customs Form 5129, in the case of a returning crewmember) arriving directly or indirectly from American Samoa, Guam, or the Virgin Islands of the United States shall be in writing if it covers articles which do not accompany him and:

(a) The articles are entitled to free entry under the $600 exemption provided by item 813.31, Tariff Schedules of the United States (19 U.S.C. 1202), or

(b) The articles are noncommerical importations of limited value subject to a flat rate of duty under item 869.10 of the tariff schedules.

§ 148.112 Evidence of purchase.

A sales slip, invoice, or other evidence of purchase, shall be presented with the declaration for all unaccompanied articles.

§ 148.113 Declaration, entry, and collection of duty.

(a) *Declaration and entry for unaccompanied articles*—(1) *Declaration.* A baggage declaration covering articles for which a claim of free entry, in whole or in part, is made under the $600 exemption provided by item 813.31, Tariff Schedules of the United States (19 U.S.C. 1202), or a baggage or crewmembers declaration covering articles for which the flat rate of duty provision of item 869.10 of the tariff schedules appears to be applicable, shall be accompanied by a Declaration of Unaccompanied Articles, Customs Form 255. Customs Form 255 shall be prepared in triplicate by the vendor or declarant for each shipment of declared articles not accompanying the person. A shipment consists of one or more packages or containers sent as a unit.

(2) *Verification.* The Customs officer shall verify the information from the declaration, sales slip, invoice, or other evidence of purchase furnished by the person. The completed Customs Form 255 shall be validated by the Customs officer and two copies given to the person.

(b) *Collection of duty.* Duties shall be collected before release of the articles, after their arrival in the United States, as provided in § 145.12 or § 148.115.

§ 148.114 Shipment of unaccompanied articles.

One copy of the validated Customs Form 255 shall be returned to the vendor. The vendor shall place the form in an envelope, affix it to the outside of the shipment, and clearly mark the outside of the shipment "Unaccompanied Tourist Shipment."

§ 148.115 Release of shipment.

(a) *Release after examination.* Unaccompanied tourist shipments—

(1) To which the personal exemption provided in item 813.31, Tariff Schedules of the United States (19 U.S.C. 1202), is applicable, or

(2) For which entry is made under the flat rate of duty provisions of item 869.10 of the tariff schedules, or under those provisions in conjunction with the regular rate of duty provision of another item of the tariff schedules, shall be released if:

(i) The shipment is properly marked and accompanied by a validated copy of Customs Form 255,

(ii) The examining Customs officer is satisfied that the contents of the shipment are as stated on the Customs Form 255 and, if applicable, that they are properly classified,

(iii) The declared value conforms to the fair retail value in the country of acquisition, and

(iv) In respect to shipments for which entry is made under item 869.10, any duties found to be due are paid.

(b) *Removal of Customs Form 255.* The copy of Customs Form 255 attached to the shipment shall be removed by the Customs officer and retained for Customs purposes.

(c) *Missing Customs Form 255.* If a validated copy of Customs Form 255 does not accompany the shipment, entry shall be made under the provisions of part 141 or 145 of this chapter.

(d) *Restricted or prohibited shipments.* No shipment containing prohibited or restricted merchandise for which exemption is claimed under item 813.31 of the Tariff Schedules of the United States (19 U.S.C. 1202), or for which entry is claimed under item 869.10 of the tariff schedules, shall be released except upon compliance with the provisions of part 12 and §§ 145.51 through 145.59 of this chapter, and other applicable laws and regulations.

(e) *Verification of claim.* The district director may withhold release of any shipment for which exemption is claimed under item 813.31, Tariff Schedules of the United States (19 U.S.C. 1202), or for which entry is claimed under item 869.10 of the tariff schedules, to verify the validity of the claim. If he is unable to verify the claim, the merchandise shall be released under the provisions of part 141 or 145 of this chapter.

§ 148.116 Claim for refund.

Any person who has filed a declaration of unaccompanied articles under §§ 148.112 and 148.113 and who is dissatisfied with the amount of duty assessed on the articles upon their arrival in the United States may file a claim for administrative review under subpart C, part 145, of this chapter if the articles arrived by mail, or under parts 173 and 174 if the articles arrived other than by mail. Any supporting documents, including a copy of Customs Form 255, should be submitted with the claim.

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

PART 159—LIQUIDATION OF DUTIES

§ 159.6 [Amended]

1. Sections 159.6 (a), (b), (c), and (d) are amended by substituting "$10" for "$3" wherever "$3" appears in the paragraph headings and text.

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

PART 162—INSPECTION, SEARCH, AND SEIZURE

§§ 162.32, 162.43, 162.45, 162.46, 162.47, and 162.48 [Amended]

1. Sections 162.32(b), 162.43(c), 162.45, 162.46, 162.47(a), and 162.48 are amended by substituting "$10,000" for "$2,500" wherever "$2,500" appears in the headings and text.

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

PART 174—PROTESTS

1. Part 174 is amended by adding a new § 174.32 to read as follows:

§ 174.32 Publication.

Within 120 days after issuing a protest review decision, the Customs Service shall publish the decision in the Customs Bulletin or otherwise make it available for public inspection. Disclosure is governed by 31 CFR Part 1 and 19 CFR Part 103.

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

PART 177—ADMINISTRATIVE DECISIONS

1. The heading of § 177.0 and § 177.10(a) are amended to read as follows:

§ 177.10 Publication of decisions.

(a) *Generally.* Within 120 days after issuing any precedential decision under the Tariff Act of 1930, as amended, relating to any Customs transaction (prospective, current, or completed), the Customs Service shall publish the decision in the Customs Bulletin or otherwise make it available for public inspection. For purposes of this paragraph a precedential decision includes any ruling letter, internal advice memorandum, or protest review decision. Disclosure is governed by 31 CFR Part 1, 19 CFR Part 103, and 19 CFR 177.8(a)(3).

* * * * *

2. The second sentence of § 177.10(e) is amended by substituting "FEDERAL REGISTER" for "Customs Bulletin."

3. Section 177.11(b)(7) is amended to read as follows:

§ 177.11 Requests for advice by field offices.

* * * * *

(b) *Certain current transactions*—

* * * * *

(7) *Publication.* Within 120 days after issuing an internal advice memorandum, the Customs Service shall publish the decision in the Customs Bulletin or otherwise make it available for public inspection. Disclosure is governed by 31 CFR Part 1 and 19 CFR Part 103.

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

R. E. CHASEN,
Commissioner of Customs.

Approved: October 11, 1978.

RICHARD J. DAVIS,
Assistant Secretary of the Treasury.

[FR Doc. 78-30095 Filed 10-24-78; 8:45 am]

[6560-01-M]

Title 40—Protection of the Environment

CHAPTER 1—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER A—GENERAL

[FRL-988-6]

PART 6—PREPARATION OF ENVIRONMENTAL IMPACT STATEMENTS

Interim Final Rule for Administrative Actions Under Water Quality Management Program

AGENCY: Environmental Protection Agency.

ACTION: Interim final rule for administrative actions under water quality management program.

SUMMARY: Based upon the authority in section 511(c)(1) of the Clean Water Act (Act), EPA has determined that the environmental impact statement requirements contained in 40 CFR Part 6 will not be applied to the water quality management (WQM) program authorized by section 208 of the Act. The amendment implements this determination.

DATE: Effective date: October 25, 1978. Written comments may be submitted. Comments must be received by December 26, 1978.

ADDRESS: Comments are to be mailed to the Office of Federal Activities (A-104), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460 Attention: Thomas Sheckells.

FOR FURTHER INFORMATION CONTACT:

Thomas Sheckells, Office of Federal Activities (A-104), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460; telephone 202-755-0790.

SUPPLEMENTARY INFORMATION: EPA has determined that this amendment is consistent with section 511(c)(1) of the Act. The WQM program, however, will still continue to follow procedures consistent with 40 CFR Part 6 and the requirements of the National Environment Policy Act (NEPA) other than section 102(2)(C).

The WQM public participation process requires that sufficient information and opportunities for involvement in the decisionmaking process be provided the public. Public participation must be provided early and continue through the WQM process so that the public can understand and participate in the WQM plan and its implementation. This includes full public disclosure of alternatives and potential adverse environmental impacts throughout the plan development, planning, and implementation phases. Also, the WQM process requires analysis and presentation of the social, economic, and environmental impacts of carrying out the WQM plan. As a result, a detailed environmental assessment is required to be prepared through a process which is as rigorous and open to public input as the procedures established under section 102(2)(C) of NEPA. This assessment must be included and circulated as a component of every WQM plan and plan update.

Prior to taking any approval actions on a WQM plan each regional administrator must ascertain that these public involvement and environmental assessment requirements have been met. The regional administrator shall note any plan recommendations that must be addressed in subsequent NEPA section 102(2)(C) actions required for decision under section 201 or 402 of the Act. However, it remains the prerogative of the regional administrator to require an EIS on any WQM plan approval action.

EPA is entering a critical stage of the WQM program where individual WQM plans are being submitted for approval. In view of this timing factor, this revision will take effect on an interim basis.

Dated: October 19, 1978.

BARBARA BLUM,
Acting Administrator.

40 CFR Part 6 is amended as follows:

Subpart E—Guidelines for Compliance With NEPA in the Title II Wastewater Treatment Works Construction Grant Program

1. The heading of Subpart E is revised as set forth above.

2. The second sentence in § 6.102(a) is revised to read as follows and (j) is revoked and reserved:

§ 6.102 Definitions.

(a) * * * For facilities plans as defined in § 6.102(k), the assessment must be an integral, though identifiable, part of the plan submitted to EPA for review.

* * * * *

(j) (Reserved)

3. Section 6.106(a)(3) is revised to read as follows:

§ 6.106 Applicability.

(a) * * *

(3) For wastewater treatment works construction grants under title II of