**List of Subjects in 16 CFR Part 1401**

Consumer protection, Hazardous materials, Labeling, Packaging and containers, Spray cans.

**PART 16—[AMENDED]**

Therefore, under the authority of 15 U.S.C. 2076(e) and 44 U.S.C. 3507, the Commission removes 16 CFR 1401.4.

**§ 1401.4 [Removed]**

Dated: July 10, 1984.

**Sadye E. Dunn,**

*Secretary, Consumer Product Safety Commission.*

[FR Doc. 84-18663 Filed 7-13-84; 8:45 am]

BILLING CODE 6355-01-M

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## DEPARTMENT OF THE TREASURY

### Customs Service

### 19 CFR Part 4

[T.D. 84-148]

## Prevention of Pollution by Oceangoing Vessels

**AGENCY:** U.S. Customs Service, Treasury.

**ACTION:** Final rule.

**SUMMARY:** This document amends the Customs Regulations relating to the prevention of oil pollution by oceangoing vessels. It finalizes interim regulations under which a district director of Customs is permitted, upon the request of the Coast Guard, to refuse or revoke the clearance or permit to proceed of a vessel until otherwise notified by the Coast Guard. The document will enable Customs to implement the provisions of the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973. This action will protect and preserve the marine environment by reducing the amount of oily wastes discharged into the sea by oceangoing vessels of the U.S., and those of foreign countries within the navigable waters of the United States.

**EFFECTIVE DATE:** July 16, 1984.

**FOR FURTHER INFORMATION CONTACT:** John Mathis, Carriers, Drawback and Bonds Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-5706).

**SUPPLEMENTARY INFORMATION:**

**Background**

The Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973 (MARPOL Protocol) was established to protect the marine environment from pollution caused by the discharge of oil from "oceangoing" vessels. The term "oceangoing" refers to those vessels not operating exclusively on the Great Lakes which are certified for oceans or coastwise service beyond 3 miles from land. The MARPOL Protocol was ratified by the United States and entered into force on October 2, 1983. It requires oceangoing ships of the United States, and those of foreign countries within the navigable waters of the United States, to comply with the preventive provisions contained in the Protocol. The provisions include requirements for the installation of oily-water separating equipment for ships over 400 gross tons, the carrying on board of an International Oil Pollution Prevention (IOPP) Certificate, maintaining a MARPOL Oil Record Book, and observing the limitations on the operational discharge of oil.

The Secretary of Transportation, acting through the U.S. Coast Guard, administers and enforces the provisions of the MARPOL Protocol. Pursuant to the Act to Prevent Pollution from Ships, 1980 (Pub. L. 96-478, 33 U.S.C. 1901-1911), the Secretary of Transportation has prescribed regulations to implement the provisions of the MARPOL Protocol (see 33 CFR Part 151).

The Secretary of the Treasury, acting through Customs, and upon request of the Secretary of Transportation, also administers and enforces the provisions of the MARPOL Protocol. Specifically, 33 U.S.C. 1904(f) provides that the Secretary of the Treasury may refuse or revoke the clearance or permit to proceed of a vessel under a detention order (33 U.S.C. 1904(e)) if requested to do so by the Secretary of Transportation.

So that Customs may directly and efficiently implement the provisions of the MARPOL Protocol, Part 4, Customs Regulations (19 CFR Part 4), was amended by publication of interim regulations as T.D. 84-36 in the **Federal Register** on February 1, 1984 (49 FR 3984), which added a new section 4.66c. The new section, which became effective on February 1, 1984, provides that if a district director of Customs receives a notification from a Coast Guard officer that an order has been issued to detain a vessel, the district director shall refuse or revoke the clearance or permit to proceed to the vessel. An order to detain a vessel may be issued either because the vessel does not have a valid certificate on board, or because the condition of the ship's equipment does not agree with the particulars of the MARPOL Protocol, whether a certificate is on board or not (i.e., countries not a party to the MARPOL Protocol must nonetheless comply with its provisions). The district director shall not grant clearance or issue a permit to proceed to the vessel until notified by a Coast Guard officer that detention of the vessel is no longer required.

New section 4.66c additionally provides that a district director shall, upon request by a Coast Guard officer, refuse or revoke the clearance or permit to proceed of a vessel, if the vessel, its owner, operator, or person in charge, is liable for a fine or civil penalty, or reasonable cause exists to believe that they may be subject to a fine under the provisions of (1) 33 U.S.C. 1908 for violating the MARPOL Protocol, (2) the Act to Prevent Pollution from Ships, 1980 (33 U.S.C. 1901-1911), or (3) regulations issued thereunder. The district director may grant clearance or a permit to proceed upon notification that a bond or other security satisfactory to the Coast Guard has been filed.

**Discussion of Comments**

Only one comment was received in response to the interim regulations. The commenter stated that the interim regulations are too limited in scope in that they do not apply to ships of countries not a party to the MARPOL Protocol. This observation is based on the fact that the interim regulations, as written, allow for the refusal or revocation of the clearance or permit to proceed in only two situations: (1) When the vessel does not have a valid certificate on board, or (2) the condition of the vessel or the equipment of the vessel does not substantially agree with the particulars of its certificate. In either case, a prerequisite to the refusal or revocation of the clearance or permit to proceed is that the vessel is required to have an IOPP certificate. Since only ships of countries that are parties to the MARPOL Protocol are required to have IOPP certificates, the interim regulations result in more favorable treatment to non-party countries.

After further review of the matter, Customs agrees with the commenter. Title 33, United States Code, section 1902(c), (33 U.S.C. 1902(c)), provides, "The Secretary shall prescribe regulations applicable to the ships of a country not a party to the MARPOL Protocol to insure that their treatment is not more favorable than that accorded ships of parties to the MARPOL Protocol." In addition, section 151.21, title 33, Code of Federal Regulations (33 CFR 151.21), refers to the MARPOL Protocol as Marpol 73/78 and provides that certain vessels of countries "not a party to Marpol 73/78, must have on board valid documentation showing that the ship has been surveyed in accordance with and complies with the requirements of Marpol 73/78." Section 151.23(b), title 33, Code of Federal Regulations (33 CFR 151.23(b)), provides in part, that a vessel that does not comply with 33 CFR Part 151 may be detained by order of Coast Guard officials at the port where the violation is discovered. Therefore, to reflect the applicability of the MARPOL Protocol to ships of countries not a party to it, Customs is amending its regulations further by adding a new § 4.66c(c).

In addition to this change, several other minor changes have been made. Section 4.66c(b), which concerns fines and contains the legal citations, has been redesignated § 4.66c(a). To make that subsection conform to the provisions of 33 U.S.C. 1908, the words "or civil penalty" have been added after the world "fine". The redesignation of § 4.66c(a), which concerns retention of vessels for lack of a certificate, as § 4.66c(b) will allow the new § 4.66c(c) to follow in logical sequence.

Other than for the changes discussed above, Customs has determined to adopt the interim regulations set forth in T.D. 84-36.

### Inapplicability of Notice and Delayed Effective Date Requirements

Because the MARPOL Protocol has already been ratified by the United States and entered into force on October 2, 1983, the amendment enabling Customs to implement its provisions was an immediate necessity in order to protect the marine environment from further oil pollution from oceangoing vessels. Therefore, it was determined that, pursuant to 5 U.S.C. 553(b)(B), notice and public procedure were impracticable, unnecessary and contrary to the public interest. For the same reasons, Customs determined that good cause existed for dispensing with a delayed effective date pursuant to 5 U.S.C. 553(d)(3).

### Executive Order 12291

It has been determined that this amendment is not a "major rule" within the criteria provided in section 1(b) of E.O. 12291, and therefore no regulatory impact analysis is required.

### Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this amendment because the rule will not have a significant economic impact on a substantial number of small entities.

Accordingly, the document contains a certification pursuant to section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that the amendment will not have a significant economic impact on a substantial number of small entities.

### Drafting Information

The principal author of this document was Glen E. Vereb, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

### List of Subjects in 19 CFR Part 4

Coastal Zone, Oil pollution, Vessels, Water pollution control.

### Amendment to the Regulations

Part 4, Customs Regulations (19 CFR Part 4), is amended as set forth below.

**Alfred R. De Angelus,**
*Acting Commissioner of Customs.*

Approved: July 2, 1984.

**Edward T. Stevenson,**
*Acting Assistant Secretary of the Treasury.*

## PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Part 4, Customs Regulations, is amended by adding a new § 4.66c to read as follows:

**§ 4.66c Oil pollution by oceangoing vessels.**

(a) If a district director receives a request from a Coast Guard officer to refuse or revoke the clearance or permit to proceed of a vessel because the vessel, its owner, operator, or person in charge, is liable for a fine or civil penalty, or reasonable cause exists to believe that they may be subject to a fine or civil penalty under the provisions of 33 U.S.C. 1908 for violating the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973 (MARPOL Protocol), the Act to Prevent Pollution from Ships, 1980 (33 U.S.C. 1901-1911), or regulations issued thereunder, such clearance or a permit to proceed shall be refused or revoked. Clearance or a permit to proceed may be granted when the district director is informed that a bond or other security satisfactory to the Coast Guard has been filed.

(b) If a district director receives a notification from a Coast Guard officer that an order has been issued to detain a vessel required to have an International Oil Pollution Prevention (IOPP) Certificate which does not have a valid certificate on board, or whose condition or whose equipment's condition does not substantially agree with the particulars of the certificate on board, or which presents an unreasonable threat of harm to the marine environment, the district director shall refuse or revoke the clearance or permit to proceed of the vessel if requested to do so by a Coast Guard officer. The district director shall not grant clearance or issue a permit to proceed to the vessel until notified by a Coast Guard officer that detention of the vessel is no longer required.

(c) If a district director receives a notification from a Coast Guard officer to detain a vessel operated under the authority of a country not a party to the MARPOL Protocol which does not have a valid certificate on board showing that the vessel has been surveyed in accordance with and complies with the requirements of the MARPOL Protocol, or whose condition or whose equipment's condition does not substantially agree with the particulars of the certificate on board, or which presents an unreasonable threat of harm to the marine environment, the district director shall refuse or revoke the clearance or permit to proceed of the vessel if requested to do so by a Coast Guard officer. The district director shall not grant clearance or issue a permit to proceed to the vessel until notified by a Coast Guard officer that detention of the vessel is no longer required.

(Pub. L. 96-478, 94 Stat. 2297 et seq., 33 U.S.C. 1901-1911; 46 U.S.C. 91, 46 U.S.C. 313; 19 U.S.C. 1443)

[FR Doc. 84-18741 Filed 7-13-84; 8:45 am]
BILLING CODE 4820-02-M

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## 19 CFR Parts 4, 6, 10, 18, 19, 24, 101, 103, 141, 144, 148, and 177

[T.D. 84-149]

## Conforming Amendments to the Customs Regulations

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

**ACTION:** Final rule.

**SUMMARY:** In accordance with Customs policy of periodically reviewing its regulations to ensure that they are current, this document makes certain conforming changes to the Customs Regulations which are necessary because of various executive, legislative, and administrative actions. The changes merely conform the regulations to existing law or practice. They are nonsubstantive and essentially are procedural.

**EFFECTIVE DATE:** July 16, 1984.

**FOR FURTHER INFORMATION CONTACT:** Marvin M. Amernick, Regulations

Control Branch, Office of Regulations and Rulings, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-8237).

**SUPPLEMENTARY INFORMATION:**

**Background**

As part of its program to keep its regulations current, the Customs Service has determined that various executive, legislative, and administrative actions require conforming amendments to the Customs Regulations contained in Chapter 1, Title 19, Code of Federal Regulations (19 CFR Chapter 1). Following is a list of these actions, the affected sections of the regulations, and the necessary changes.

**Discussion of Changes**

1. The reorganization of the regional management structure of the Customs Service, as described in T.D. 82-118 published in the **Federal Register** on June 25, 1982 (47 FR 27655), necessitates amending § 4.14 (c)(1) and (c)(2), regarding the locations of vessel repair liquidation units.

2. By T.D. 80-25, published in the **Federal Register** on January 18, 1980 (45 FR 3570), § 4.98(a) was amended to provide that a revised schedule of navigation fees to be charged and collected for specific services provided to vessels by Customs officers, will be published in the **Federal Register** and *Customs Bulletin* in December of each year for the specified vessel services to be performed during the following year. Since the schedule of navigation fees may not necessarily change each year, Customs does not want to be bound to publish a notice in December of every year setting forth the navigation fee schedule, when no changes have occurred. The better approach is to publish a schedule only when revisions have been made so as to notify the public of these changes. This approach will be consistent with the approach used for publishing changes in container station fees as provided in section 19.40(b)(1), by T.D. 83-56, published in the **Federal Register** on March 9, 1983 (48 FR 9853). Therefore, § 4.98(a)(1), must be amended to reflect this change.

3. Part 19, relating to Customs warehouses, was substantially revised by T.D. 82-204, published in the **Federal Register** on November 1, 1982 (47 FR 49355). As part of this revision, information regarding the computation of Customs warehouse officer's fees, formerly contained in section 19.5(b), is now set forth in § 24.17(d). Accordingly, it is necessary to amend § 4.98(a)(2), relating to Customs fees, to remove the reference to § 19.5(b).

4. Section 6.2(b), relating to advance notice of the arrival of aircraft, must be amended to conform to an amendment to § 6.14, concerning the specific procedures for reporting the arrival of private aircraft from areas south of the United States, made by T.D. 83-192, published in the **Federal Register** on September 15, 1983 (48 FR 41381).

5. Sections 10.53(g)(1) and 10.53(g)(2), as amended by T.D. 82-148, published in the **Federal Register** on August 23, 1982 (47 FR 36630), relate to the importation of antique articles composed of any endangered or threatened species, such as scrimshaw. Scrimshaw is any art form which involves the etching or engraving or design upon, or the carving of figures, patterns, or designs from, any bone or tooth of certain marine mammals, many of which have been determined to be endangered or threatened species. Congress subsequently enacted Pub. L. 97-304, 96 Stat. 1411, "The Endangered Species Act Amendments of 1982" on October 13, 1982, to "ensure that all Federal departments and agencies seek to conserve endangered and threatened species and utilize their authorities in furtherance of this purpose." Before Pub. L. 97-304, § 10.53(g)(1) stated that antique articles (other than scrimshaw) otherwise prohibited entry by the Endangered Species Act of 1973 (16 U.S.C. 1521, et seq.) may be entered if the article meets four requirements, one of which is that the article was made before 1830. Pub. L. 97-304 necessitates certain minor changes in § 10.53(g) (1) and (2) which include: (1) Eliminating the scrimshaw exception noted above; (2) updating the condition that the article was made before 1830 by requiring that the article not be less than 100 years of age; and (3) deleting § 10.53(g)(2) which defines scrimshaw. Therefore, § 10.53(g) (1) and (2) must be amended to conform to Pub. L. 97-304.

6. Sections 10.53 (h) and (i) relate to the additional duty imposed by item 766.30, Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202), which is applied to any article claimed to be an antique and therefore entered duty-free yet later found to be unauthentic with respect to the claimed antiquity. As set forth in § 10.53 (h) and (i), the duty rate imposed by item 766.30, TSUS, for such an article, is 12.5 percent or 25 percent, depending upon the origin of the article. The duty rate has been revised to 9.6 percent or 25 percent, as appropriate, in addition to any other duty imposed on such an article under the Tariff Schedules. Accordingly, § 10.53 (h) and (i) must be amended. However, rather than setting forth the revised additional duty and having to possibly amend the sections if the duty rate is further revised, § 10.53 (h) and (i) are being amended by deleting all references to the duty rate and only referring to item 766.30, TSUS.

7. Section 10.92(a), regarding the filing of a bond at the time of making entry for consumption or withdrawal from a warehouse for consumption of wool or hair of the camel, must be amended to correct a reference to a particular Customs form. The second reference to Customs Form 7547 should be to Customs Form 7549.

8. Section 10.108(b), relating to entry of reimported articles exported under lease, must be amended to remove the reference to § 143.3, Customs Regulations. Section 143.3, which related to the release of merchandise, was deleted by T.D. 79-221, published in the **Federal Register** on August 9, 1979 (44 FR 46794). Section 10.108(b) should refer to § 141.66, Customs Regulations, relating to bonds for missing documents.

9. Section 10.135, relating to the entry of merchandise or withdrawal of merchandise from a warehouse for consumption without deposit of duty, cites § 8.28, Customs Regulations, for bond requirements. In a revision to the regulations, Part 8, Customs Regulations, relating to liability for duties and entry or merchandise, was deleted by T.D. 73-175, published in the **Federal Register** on July 2, 1973 (38 FR 17443) and replaced by several other parts. Therefore, § 10.135 must be amended by changing the citation for bond requirements from § 8.28 to § 142.4.

10. Section 18.1(a)(2), concerning merchandise to be transported from one port to another under cover of a TIR carnet, incorrectly refers to § 114.22(c)(3). There is no § 114.22(c)(3). The correct reference should be to § 114.22(d).

11. Section 19.5, regarding fees a warehouse proprietor will be charged to establish, alter, or relocate a warehouse facility, contains a reference to section 483a, Title 31, United States Code (31 U.S.C. 483a). Title 31, United States Code, was recently codified by Pub. L. 97-258, enacted on September 13, 1982, and section 483a (31 U.S.C. 483a) was redesignated as section 9701 (31 U.S.C. 9701). Therefore, § 19.5 must be amended to reflect this change.

12. Section 19.6(d)(2), relating to form distribution procedures concerning blanket withdrawal from warehouses, contains an incorrect reference to subparagraph (e) of that section. The reference should be to subparagraph (3) of that section.

13. The authority paragraph in Part 24, relating to Customs financial and

accounting procedure, cites 31 U.S.C. 483a. Due to the recent codification of Title 31, explained above in item 11, the authority paragraph in Part 24 must be amended to change the cite to 31 U.S.C. 9701.

14. Section 101.3(b), which lists Customs regions, districts, and ports of entry, contains an incorrect reference to T.D. 53876 in the listing for "New York, N.Y.". The Treasury Decision (T.D.) that extended the limits of the New York, N.Y., port of entry was T.D. 40809. Section 101.3(b) must be amended to correct this reference.

15. Section 101.5, which lists Customs preclearance offices in foreign countries, must be amended to reflect changes regarding the Customs officer having supervision over Winnipeg, Manitoba, and Vancouver, British Columbia. Due to a recent organizational change, Winnipeg is under the supervision of the District Director of Customs, Pembina, North Dakota, and Vancouver is under the supervision of the District Director of Customs, Great Falls, Montana.

16. Section 103.10(g) (1), (2), and (3), regarding the fees charged the public for services performed by Customs officers and employees such as document duplication and information searches, must be amended to conform with corresponding sections of the Department of the Treasury regulations which were amended by a document published in the **Federal Register** on March 24, 1983 (48 FR 12350). Specifically, these changes include the following: (1) increasing the charge for photocopies per page up to 8½"x 14" from $0.10 to $0.15 each; (2) increasing the charge for services of personnel involved in searching for and locating records from $5.00 to $10.00 for each hour or fraction thereof; and (3) increasing the charge for personnel time associated with a computer search from $5.00 to $10.00.

17. Section 141.89 contains several paragraphs concerning the invoice requirement for additional information relating to sugar. Customs has determined that this information is no longer needed. Therefore, § 141.89 is being amended to delete the requirement.

18. Section 144.1(a), relating to types of merchandise eligible for warehousing, states that any merchandise may be entered for warehouse except for perishable merchandise, explosive substances (other than firecrackers), and unconditionally free merchandise. Customs has determined that § 144.1(a) must be amended to: (1) Eliminate the exception made for unconditionally free merchandise so as to allow unconditionally duty-free merchandise to be entered for warehouse; and (2) restrict the coverage of the regulation to "any merchandise subject to duty" so as to avoid an implication that domestic or duty-paid merchandise may be entered into or placed in a bonded warehouse.

19. Section 148.23(c)(2)(i) discusses the examination and clearance of baggage of any person arriving in the United States and cites § 8.15, Customs Regulations, for information regarding whether invoices are required in certain situations. Part 8 was deleted by T.D. 73–175, as explained in item 9 above, and therefore § 148.23(c)(2)(i) must be amended by changing the citation regarding invoices from § 8.15 to § 141.83.

20. Section 148.64(b)(1) discusses the administrative exemption allowed from the payment of duty by crewmembers arriving in the United States. The exemption limit of $25, as listed in the pamphlet, "U.S. Customs Pocket Hints", has been in effect since October 3, 1978. However, § 148.64(b)(1) was never revised and the exemption limit is incorrectly listed at $10. Therefore, § 148.64(b)(1) must be amended to reflect the correct administrative exemption of $25.

21. Section 177.2(b)(ii)(B) relates to the submission of tariff classification ruling requests to the Regional Commissioner, Region II. This section contains a citation to § 14.3(g)(1), Customs Manual ("difference cases"). However, § 14.3, Customs Manual was superseded by Manual Supplement 2126–01, dated June 8, 1981, which contains the current instructions and procedures pertaining to the resolution of "difference cases". Therefore, § 177.2(b)(2)(ii)(B) must be amended by updating the citation to reflect the revision.

22. The Customs Regional offices are now referred to by their location rather than number. Accordingly, the references to "Region II" in Part 177 are being changed to either "New York" or "the New York region".

**Inapplicability of Public Notice and Delayed Effective Date Provisions**

Inasmuch as these amendments merely conform the Customs Regulations to existing law or practice, pursuant to 5 U.S.C. 553(b)(B), notice and public procedure thereon are unnecessary and pursuant to 5 U.S.C. 553(d)(3), a delayed effective date is not required.

**Executive Order 12291**

Because this document will not result in a "major rule" as defined by section 1(b) of E.O. 12291, the regulatory analysis and review prescribed by section 3 of the E.O. is not required.

**Inapplicability of Regulatory Flexibility Act**

This document is not subject to the provisions of sections 603 and 604 of Title 5, United States Code, as added by section 3 of Pub. L. 96–354, the "Regulatory Flexibility Act". That Act does not apply to any regulation, such as this, for which a notice of proposed rulemaking is not required by the Administrative Procedure Act (5 U.S.C. 551, et seq.) or any other statute.

**Drafting Information**

The principal author of this document was James S. Demb, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

**List of Subjects**

*19 CFR Part 4*

Vessels, Cargo vessels.

*19 CFR Part 6*

Air carriers, Air transportation, Aircraft, Airports.

*19 CFR Part 10*

Art, Exports, Wildlife.

*19 CFR Part 18*

Common carriers, Freight forwarders, Railroads, Surety bonds.

*19 CFR Part 19*

Warehouse.

*19 CFR Part 24*

Accounting.

*19 CFR Part 101*

Harbors, Organizations and functions (Government agencies).

*19 CFR Part 103*

Administrative practice and procedure, Freedom of Information, Information.

*19 CFR Part 141*

Imports.

*19 CFR Part 144*

Warehouses.

*19 CFR Part 148*

Seamen.

*19 CFR Part 177*

Administrative practice and procedure.

**Amendments to the Regulations**

Parts 4, 6, 10, 18, 19, 24, 101, 103, 141, 144, 148, and 177, Customs Regulations (19 CFR Parts 4, 6, 10, 18, 19, 24, 101, 103, 141, 144, 148, 177), are amended as set forth below.

## PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

1. Section 4.14(c)(1) is revised to read as follows:

### § 4.14 Foreign equipment purchases by, and repairs to, American vessels.

* * * * *

(c) *Remission or refund of duty*—(1) *Vessel repair liquidation units.* Vessel repair liquidation units under the supervision of the Regional Commissioner of Customs are established at New York, New York (New York Region); New Orleans, Louisiana (South Central Region); and San Francisco, California (Pacific Region). The New York Region unit shall process and liquidate each vessel repair entry filed at ports in the Northeast, New York, and the North Central Regions. The South Central Region unit shall process and liquidate each vessel repair entry filed at ports in the Southeast, the South Central, and the Southwest Regions. The Pacific Region unit shall process and liquidate each vessel repair entry filed at ports in the Pacific Region. After processing and liquidation of the entries, the bulletin notice of liquidation shall be returned to the respective ports of entry for posting.

* * * * *

2. Section 4.14(c)(2) is amended by removing the words "Regions II, V, and VIII" and inserting in their place, the words "the New York, South Central, and Pacific Regions".

### § 4.98 [Amended]

3. The first sentence of § 4.98(a)(1) is amended by removing the words "in December of each year, beginning in December 1980" and inserting, in their place, the word "periodically".

4. Section 4.98(a)(1) is further amended by deleting the sentence "The published revised fee schedule shall remain in effect throughout the following year." and inserting, in its place, the sentence "The published revised fee schedule shall remain in effect until changed."

5. Section 4.98(a)(2) is amended by removing the words "§§ 19.5(b) and 24.17(d), Customs Regulations (19 CFR 19.5(b), 24.17(d))," and inserting, in their place, the words "§ 24.17(d) Customs Regulations (19 CFR 24.17(d)),".

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

## PART 6—AIR COMMERCE REGULATIONS

Section 6.2(b)(1) is revised to read as follows:

### § 6.2 Landing requirements.

* * * * *

(b) *Advance notice of arrival*—(1) *Applicability.*

All aircraft, except as provided in paragraph (b)(3) of this section, before coming into any area from any place outside the United States, for security reasons, and in order to avoid the penalties provided for in § 6.11, shall furnish a timely notice of intended arrival, either by or at the request of the commander of the aircraft, through the Federal Aviation Administration flight notification procedures or directly to the district director or other Customs officer in charge at the nearest intended place of first landing in such area. That officer shall notify the officers in charge of the other Government services. In the case of private aircraft arriving from areas south of the United States as specified in § 6.14 (a) and (b), advance notice shall be furnished in accordance with the procedure prescribed in § 6.14.

* * * * *

(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.

1. Section 10.53(g) is revised to read as follows:

### § 10.53 Antiques

* * * * *

(g) Antique articles otherwise prohibited entry by the Endangered Species Act of 1973 (16 U.S.C. 1521, *et seq.*) may be entered if:

(1) The article is composed in whole or in part of any endangered or threatened species listed in 50 CFR 17.11 or 17.12,

(2) The article is not less than 100 years of age,

(3) The article has not been repaired or modified with any part of any such endangered or threatened species, on or after December 28, 1973,

(4) The article is entered at a port designated in § 12.26 of this chapter,

(5) A Declaration for Importation or Exportation of Fish or Wildlife (USFWS Form 3–177) is filed at the time of entry with the district director of Customs who will forward the form to the U.S. Fish and Wildlife Service, and

(6) The importer meets the requirements of paragraphs (a), (b), and (c) of this section.

2. Section 10.53(h) is amended by removing the words "of 12.5 percent or 25 percent, as appropriate".

3. Section 10.53(i) is amended by removing the words "12.5 percent or 25 percent, as appropriate".

### § 10.92 [Amended]

4. Section 10.92(a) is amended by removing the second reference to "Customs Form 7547" and inserting, in its place, "Customs Form 7549".

### § 10.108 [Amended]

5. Section 10.108(b) is amended by removing "143.3" and inserting, in its place, "141.66".

### § 10.135 [Amended]

6. Section 10.135 is amended by removing "8.28" and inserting, in its place, "142.4".

(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

### § 18.1 [Amended]

Section 18.1(a)(2) is amended by removing "§ 114.22(c)(3)" and inserting, in its place, "§ 114.22(d)".

(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

### § 19.5 [Amended]

1. Section 19.5 is amended by removing "31 U.S.C. 483a" and inserting, in its place, "31 U.S.C. 9701".

### § 19.6 [Amended]

2. Section 19.6(d)(2) is amended by removing "subparagraph (e)" and inserting, in its place, "subparagraph (3)".

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

## PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

The authority paragraph set forth in the beginning of Part 24 is amended by removing "31 U.S.C. 483a" and inserting, in its place, "31 U.S.C. 9701".

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

## PART 101—GENERAL PROVISIONS

### § 101.3 [Amended]

1. in the list of Customs regions, districts, and ports in § 101.3(b), the listing for "New York, N.Y.," under the

column headed "Ports of entry" is amended by removing "(T.D. 53876)" and inserting, in its place, "(T.D. 40809)".

§ 101.5 [Amended]

2. In the list of Customs preclearance offices in foreign countries in § 101.5, the listing for Vancouver, British Columbia, under the column headed "Customs officer having supervision", is amended by removing "District Director, Seattle, Wash." and inserting, in its place, "District Director, Great Falls, Mont.".

3. In the list of Customs preclearance offices in foreign countries in § 101.5, the listing for Winnipeg, Manitoba, under the column heading "Customs officer having supervision," is amended by removing "Regional Commissioner, Chicago, Ill.," and inserting, in its place, "District Director, Pembina, N.D.".

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

## PART 103—AVAILABILITY OF INFORMATION

1. Section 103.10(g)(1)–(4) is revised to read as follows:

§ 103.10 Fees for services.

* * * * *

(g) *Amount to be charged for specified services.* * * *

(1) *Duplication.* (i) The charge for photocopies per page up to 8½" x 14" is at the rate of $0.15 each.

(ii) The charge for photographs, films and other materials is their actual cost. The Customs Service may furnish the records to be released to a private contractor for copying and charge the person requesting the records the actual cost of duplication charged by the private contractor. No fee is charged where the requester furnishes the supplies and equipment and makes the copies at the Government location.

(2) *Unpriced printed materials.* The charge for unpriced printed material, which is available at the location where requested and which does not require duplication for copies to be furnished, is at the rate of $0.25 for each twenty-five pages or fraction thereof.

(3) *Search services.* The charge for services of personnel involved in locating records is $10.00 for each hour or fraction thereof. If a computer search is required because of the nature of the records sought and the manner in which the records are stored, the fee is $10.00 for each hour or fraction thereof of personnel time associated with the search plus the actual cost of extracting the stored information in the format in which it is normally produced. This actual cost of extracting information is based on computer time and supplies necessary to comply with the request.

(4) *Searches requiring travel or transportation.* The charge for transporting a record from one location to another, or for transporting a Customs officer or employee to the site of requested records when it is necessary to locate rather then examine the records, is the actual cost of the transportation.

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

## PART 141—ENTRY OF MERCHANDISE

§ 141.89 [Amended]

1. The alphabetical list in § 141.89(a) of classes of merchandise (for which additional information is required on invoices) is amended by removing all information relating to "Sugar" set forth between "Screenings or scalpings of grains or seeds" and "Textile fiber products".

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

## PART 144—WAREHOUSE AND REWAREHOUSE ENTRIES AND WITHDRAWALS

The first sentence of § 144.1(a) is revised to read as follows:

§ 144.1 Merchandise eligible for warehousing.

(a) *Types of merchandise.* Any merchandise subject to duty may be entered for warehousing except for perishable merchandise and explosive substances (other than firecrackers).

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

## PART 148—PERSONAL DECLARATIONS AND EXEMPTIONS

§ 148.23 [Amended]

1. Section 148.23(c)(2)(i) is amended by removing "§ 8.15" and inserting, in its place, "§ 141.83".

§ 148.64 [Amended]

2. Section 148.64(b)(1) is amended by removing "$10" and inserting, in its place, "$25".

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

## PART 177—ADMINISTRATIVE RULINGS

§ 177.0 [Amended]

1. The first sentence of § 177.0 is amended by removing the words "Region II, New York ("Regional Commissioner, Region II")." and inserting in their place, the words "New York Region."

2. Section 177.2(b)(2)(ii)(B) is revised to read as follows:

§ 177.2 Submission of ruling requests.

* * * * *

(b) * * *

(ii) * * *

(B) Ruling letters issued by the Regional Commissioner, New York Region, are limited to prospective transactions. The Regional Commissioner, New York Region, shall not prepare final decisions under § 177.11 (Requests for Advice by Field Offices), § 174.23 (Further Review of Protests), § 177.10 (Change of Practice), 19 U.S.C. 1516 (petitions under section 516, Tariff Act of 1930), or Policies and Procedures Manual Supplement 2126–01.

* * * * *

§ 177.4 [Amended]

3. The second sentence of § 177.4(b) is amended by removing the words "Region II, New York." and inserting, in their place, the words "the New York Region.".

4. Part 177 is amended by removing the words "Region II" and inserting, in their place, the words "New York Region" in the following places:

§ 177.0 [Amended]

a. The second reference to "Region II" in the first sentence of § 177.0;

§ 177.1 [Amended]

b. The second sentence of § 177.1(a)(1);

c. The third sentence of § 177.1(b);

d. The first sentence of § 177.1(d)(1);

e. The first sentence of § 177.1(d)(2);

§ 177.2 [Amended]

f. The fourth sentence of § 177.2(a);

g. The second sentence of § 177.2(b)(2)(ii)(C);

h. The first sentence of § 177.2(d);

§ 177.5 [Amended]

i. The second sentence of § 177.5;

§ 177.8 [Amended]

j. The first sentence of § 177.8(a)(1);

k. The first sentence of § 177.8(a)(2);

l. The fourth sentence of § 177.8(a)(3);

§ 177.9 [Amended]

m. The first sentence of § 177.9(a);

n. The unnumbered paragraph following § 177.9(d)(2)(v);

§ 177.11 [Amended]

o. The first sentence of § 177.11(b)(1)(i).

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

Approved: July 2, 1984.

Alfred R. De Angelus,

*Acting Commissioner of Customs.*

Edward T. Stevenson,

*Acting Assistant Secretary of the Treasury.*

[FR Doc. 84-18742 Filed 7-13-84; 8:45 am]

BILLING CODE 4820-02-M

## 19 CFR Part 24

[T.D. 84-147]

## Customs Regulations Amendment Regarding Collection of Medicare Compensation Costs

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

**ACTION:** Final rule.

**SUMMARY:** This document implements, on a permanent basis, an interim amendment to the Customs Regulations which allows Customs to include in charges assessed to parties-in-interest for reimbursable services provided by Customs officers, Medicare compensation costs equal to 1.3 percent of the assessed amount. The inclusion of these costs in assessed charges will result in at least partial recovery of Customs' cost of matching employees' statutorily mandated contribution for Medicare coverage. The estimated recovery of Medicare costs by Customs is approximately $500,000 annually.

**EFFECTIVE DATE:** July 16, 1984.

**FOR FURTHER INFORMATION CONTACT:** James Kenny, Headquarters Accounting Division (202-566-2021), U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

**SUPPLEMENTARY INFORMATION:**

### Background

By T.D. 84-41, published in the **Federal Register** on February 14, 1984 (49 FR 5607), section 24.17(f), Customs Regulations (19 CFR 24.17(f)), was amended on an interim basis to allow Customs to include in charges assessed to parties-in-interest for reimbursable services provided by Customs officers, Medicare compensation costs equal to 1.3 percent of the assessed amount. That document, which set forth in detail the background of the statutory and regulatory provisions which provide Customs with the administrative authority to recover Medicare compensation costs, provided a 60-day period for public comments, and delayed the effective date of the amendment to allow for full consideration of written comments received. No comments were received. Accordingly, the amendment made on an interim basis by T.D. 84-41 is being adopted on a permanent basis, without change.

### Inapplicability of Notice Provision

Because of the ongoing loss of revenue caused by the current inability to collect these monies from parties-in-interest, it was determined that, pursuant to 5 U.S.C. 553(b)(3)(b), notice and public procedure were inapplicable and unnecessary. Accordingly, this amendment was adopted on an interim basis effective April 16, 1984. Because it has been effective since that date, good cause exists for dispensing with a delayed effective date pursuant to 5 U.S.C. 553(d)(3).

### E.O. 12291 and Regulatory Flexibility Act

Inasmuch as Customs does not believe that the amendment meets the criteria for a "major rule" within the meaning of section 1(b) of E.O. 12291, a regulatory impact analysis has not been prepared.

Pursuant to the provisions of section 5 of the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 601 *et seq.*), it is hereby certified that the regulation will not have a significant economic impact on a substantial number of small entities within the meaning of the Act. Accordingly, the amendment is not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

### Drafting Information

The principal author of this document was Larry L. Burton, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

### List of Subjects in 19 CFR Part 24

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

### Amendment to the Regulations

## PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

Section 24.17, Customs Regulations (19 CFR 24.17), is amended by adding a new paragraph (f), as set forth below:

**§ 24.17 Other services of officers; reimbursable.**

* * * * *

(f) *Medicare Compensation Costs.* In addition to other expenses and compensation chargeable to parties-in-interest as set forth in this section, such persons shall also be required to reimburse Customs in the amount of 1.3 percent of the reimbursable compensation expenses incurred. Such payment will reimburse Customs for its share of Medicare costs.

(Pub. L. 97-248, Sept. 3, 1982, 96 Stat. 324; 31 U.S.C. 9701 (19 U.S.C. 267 and 1451))

Alfred R. De Angelus,

*Acting Commissioner of Customs.*

Approved July 2, 1984.

Edward T. Stevenson,

*Acting Assistant Secretary of the Treasury.*

[FR Doc. 84-18740 Filed 7-13-84; 8:45 am]

BILLING CODE 4820-02-M

## DEPARTMENT OF JUSTICE

## Drug Enforcement Administration

## 21 CFR Part 1316

## Delegation of Authority to DEA Officials

**AGENCY:** Drug Enforcement Administration, Justice.

**ACTION:** Final rule.

**SUMMARY:** This final rule delegates to the Resident Agents in Charge of DEA Resident Offices the authority to act as custodians of seized property and to declare seized property administratively forfeited.

**EFFECTIVE DATE:** July 16, 1984.

**FOR FURTHER INFORMATION CONTACT:** William M. Lenck, Associate Chief Counsel, Drug Enforcement Administration, Department of Justice 20537, (202-633-1404).

**SUPPLEMENTARY INFORMATION:** Pursuant to the existing provisions in Part 1316, only DEA Special Agents-in-Charge have the authority to act as "custodians" of seized property and to declare property administratively forfeited. Since DEA Special Agents-in-Charge are only located in DEA Divisional Offices, and many DEA Resident Offices are remote from their Divisional Offices (Hawaii and Alaska, for example), DEA has encountered delays in processing forfeiture matters in Resident Offices. Therefore, this final rule amends the applicable regulations to allow the DEA Resident Agents-in-Charge to process such forfeiture matters.

It has been determined that this is an internal management matter not requiring consultation with the Office of Management and Budget under E.O. 12291. Moreover, I hereby certify that this matter will have no impact upon small entities within the meaning and intent of the Regulatory Flexibility Act, 5 U.S.C. 601, et seq.

By virtue of the authority vested in me as Administrator of DEA by 28 CFR