safety and the public interest require the adoption of the rule as proposed.

Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the paperwork Reduction Act of 1980 (Pub. L. 96–511) and have been assigned OMB Control Number 2120–0056.

It is estimated that 61 airplanes of U.S. registry will be affected by this AD, that it will take approximately 11 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $26,840. (The Supplemental Structural Inspection is to be repeated every 4,000 landings at this same cost).

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities, under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action is contained in the regulatory docket. A copy of it may be obtained from the Rules Docket.

## List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

## Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends Part 39 of the Federal Aviation Regulations as follows:

## PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

**Authority:** 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

### § 39.13 [Amended]

2. Section 39.13 is amended by amending Amendment 39–6111 (54 FR 1341; January 13, 1989), AD 89–02–08, as follows:

**CASA:** Applies to all CASA Model C–212 series airplanes, certificated in any category. Compliance is required as indicated below, unless previously accomplished.

To ensure continuing structural integrity of the wing flap control system, accomplish the following:

A. Within six months after February 17, 1989 (the effective date of AD 89–02–08, Amendment 39–6111), incorporate a revision into the FAA-approved maintenance inspection program that will provide for inspection of the wing flap control system in accordance with CASA Document COM. 212–206, Revision 1, dated May 20, 1988. The non-destructive inspection techniques set forth in the CASA C-212 non-destructive procedures (27–50–01 through 27–50–05) provide acceptable methods for accomplishing the inspections required by this AD. All inspection results, positive or negative, must be reported to CASA Product Support, in accordance with instructions in the CASA Flap Control System Inspection Document. This Supplemental Structural Inspection (SSI) is to be repeated at intervals not to exceed 4,000 landings.

B. Prior to the accumulation of 4,000 landings, or within six months after the effective date of this amendment, whichever occurs later, inspect the wing flap control system in accordance with CASA Document COM. 212-206, Revision 1, dated May 20, 1988.

C. Cracked structure or damaged components detected during the inspections required by paragraphs A. and B., above, must be replaced prior to further flight, in accordance with CASA Document COM. 212–206, Revision 1, dated May 20, 1988.

D. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM–113, FAA, Northwest Mountain Region.

**Note:** The request should be forwarded through an FAA Principal Maintenance Inspector (PMI), who will either concur or comment and then send it to the Manager, Standardization Branch, ANM–113.

E. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Construcciones Aeronauticas, S.A. (CASA), Getafe, Madrid, Spain. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or Standardization Branch, 9010 East Marginal Way South, Seattle, Washington.

The Amendment amends AD 89–02–08, Amendment 39–6111.

This Amendment becomes effective September 5, 1989.

Issued in Seattle, Washington, on July 19, 1989.

**Darrell M. Pederson,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 89–17777 Filed 7–28–89; 8:45 am]

BILLING CODE 4910-13-M

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## DEPARTMENT OF THE TREASURY

## Customs Service

## 19 CFR Part 177

RIN 1515–AA71

## Administrative Procedures

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

**ACTION:** Final rule.

**SUMMARY:** This document amends Part 177, Customs Regulations, by changing certain existing procedures and creating other new procedures that will enhance and expedite Customs dealings with the importing public. The amendments create a new procedure to promote nationwide uniformity in Customs decisions consistent with the mandate of the Anti-Drug Abuse Act of 1988 and allow commercial importers to receive binding rulings on tariff classification under the Harmonized Tariff Schedule of the United States at Customs districts. Further, the amendments clarify the circumstances under which the effective date of a ruling can be delayed in recognition of an importer's reliance on a previous, more favorable ruling and the obligations of a recipient of a tariff classification ruling letter if entry of merchandise described in the ruling letter is subsequently made. The document also removes the "clearly wrong" test as the standard by which Customs determines whether certain established and uniform practices should be changed.

**EFFECTIVE DATE:** August 30, 1989.

**FOR FURTHER INFORMATION CONTACT:** John T. Roth, Commercial Rulings Division (202) 566–5868.

**SUPPLEMENTARY INFORMATION:**

## Background

The administrative rulings program administered by the Customs Service provides a means by which commercial importers can import their products with some certainty regarding Customs treatment of their importation. With the passage of the Omnibus Trade and Competitiveness Act of 1988 (Pub. L. 100–418), and the replacement of the Tariff Schedules of the United States with the Harmonized Tariff Schedule of the United States (HTSUS), Customs is experiencing a far greater use of the administrative rulings program than ever before.

Accordingly, Customs published a notice in the **Federal Register** (54 FR 8208) on February 27, 1989, proposing changes in its ruling program to accommodate its increased use by importers, to improve Customs responsiveness to the ruling requests received, and to promote greater uniformity in the decisions being issued. The amendments proposed to: (1) Create a new procedure to promote nationwide uniformity in Customs decisions; (2) allow commercial importers to receive binding rulings on tariff classification under the HTSUS at Customs districts; (3) clarify the circumstances under which the effective date of a ruling can be delayed in recognition of an importer's reliance on a previous, more favorable ruling; (4) clarify the obligations of a recipient of a tariff classification ruling letter if entry of merchandise described in the ruling letter is subsequently made; (5) remove the "clearly wrong" test as the standard by which Customs determines whether certain established and uniform practices should be changed; and (6) clarify the extent to which previously issued rulings can be the subject of a request for internal advice.

Fourteen comments were received in response to the notice of proposed rulemaking. A summary of each proposed change and a discussion of comments regarding the proposed change follows.

### District Ruling Program

*Summary*

Commercial importers may apply in writing for an advance binding tariff classification under the HTSUS at the Customs district where the merchandise will be imported or at any other district where the importer would have reason to do business. This program began January 1, 1989, on a trial basis. All rulings issued under this program are binding for the recipient at all ports of entry. The target turn-around time for a binding ruling under this program is 30 days, or 120 days if Headquarters must be involved. Proposed changes to the Customs Regulations to implement this program involved expanding the authority to issue prospective tariff classification rulings from Headquarters and the Regional Commissioner, New York, to all Customs districts and to limit each request to a district office for a ruling to five merchandise items, all of which must be of the same class or kind. The proposed rule also stated that in addition to the information prescribed in § 177.2(b)(1), (2)(i) and (ii), and (5), Customs Regulations (19 CFR 177.2(b)(1), (2)(i) and (ii), and (5)), when submitting a ruling request, a request to the district must include the name of the manufacturer and seller (if available), the country of origin and the importer of record number which will be used at entry.

*Discussion of Comments*

Comments were generally favorable regarding the institution of the district rulings program. Some commenters recommended that the scope of the program be broadened to cover Customs rulings in areas other than tariff classification. It was also recommended that we not limit each ruling request to a district office to five merchandise items.

With the enactment of the HTSUS, the resources of the district ruling program were of necessity directed toward providing tariff classification advice on an expedited basis. Customs now does not have the resources to expand the program to other rulings.

In order to afford the importing community equal access to expedited rulings, it is necessary to limit district rulings program ruling requests to five items. It is Customs intent to issue all of its rulings as expeditiously as possible. With this goal in mind, we will periodically review the program to ascertain ways in which it can better serve the public.

Also, Customs has recently established uniform procedures for providing pre-entry classification decisions to the importing public. These procedures—which shift the emphasis of the classification function from transaction based analysis after importation to up-front advice regarding future importations—are designed to complement the district rulings program by expeditiously supplying importers with binding classification rulings. While participation in the pre-entry classification program is granted on a case-by-case basis, all merchandise is eligible for consideration.

It has been pointed out that in certain industries, importations routinely occur simultaneously with the filing of requests for binding rulings. Because the district rulings program is limited to "prospective" transactions, certain importers were concerned that they may not be able to avail themselves of the program's expeditious procedures.

While the district rulings program is limited to prospective transactions, this does not preclude the importing public from receiving district rulings for "continuing transactions"—i.e., while a district ruling will not be issued regarding transactions currently pending before a field office, an importer may still receive a binding ruling regarding prospective transactions (that is, later importations) involving merchandise which is identical to that involved in a current transaction. Internal Advice procedures are available for current transactions.

Some commenters took issue with the requirement that an importer provide the name of the manufacturer or seller when seeking a district ruling. They argue that the name of the manufacturer or seller is irrelevant to a classification decision. Further, an importer often will not have chosen his sources until receipt of the ruling letter. Sourcing is frequently changed for various business reasons such as pricing, quota restraints and production demands.

Customs is well aware that when an importer submits a request for a binding ruling the manufacturer or seller is often unknown. This information is required only if known. While we agree that this information would have no bearing on the classification issue, submission of the manufacturer or seller's name would aid in the facilitation of quota requirements and streamline processing at both release and summary.

### Uniformity of Customs Officers' Decisions

*Summary*

Section 7361(c) of the Anti-Drug Abuse Act of 1988 (Title VI, Pub. L. 100-690)—requires the Secretary of the Treasury to promulgate regulations to provide for nationwide uniformity of certain decisions made by Customs officers and to establish procedures by which certain parties affected by the lack of such uniformity may have the alleged inconsistencies resolved. Accordingly, Customs proposed procedures to permit port authorities and any party entitled to either protest a decision of the Customs Service under the protest procedures set forth in sections 514 and 515 of the Tariff Act of 1930, as amended (19 U.S.C. 1514,1515), or utilize the Domestic Interested Party petition procedures set forth in section 516 of the Tariff Act of 1930, as amended (19 U.S.C. 1516) to petition the Customs Service for resolution of an inconsistency or lack of uniformity alleged to exist in: (1) A decision of a Customs officer permitted to be protested by section 514(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1514(a)), or (2) decisions to conduct intensified examinations or inspections of merchandise at various ports of entry.

It was proposed that the petitioning party be required to furnish information sufficient to document the alleged inconsistency. For tariff classification rulings, competing entries must be identified as to port of entry, date and entry number, and the merchandise must be fully described. In the case of alleged inconsistencies in the inspection or examination of merchandise, the petitioning party must furnish information sufficient to document that a pattern of inconsistency exists. A "pattern of inconsistency" was defined as three or more documented instances in which inspections or examinations were conducted within a particular port that appear inconsistent with inspection or examination decisions of another port or ports when substantially identical shipments are involved. Upon receipt of a properly filed petition, Customs will immediately verify the facts alleged and upon verification will publish a notice in the **Federal Register** that the petition has been received, describing the alleged inconsistency, and permit 15 days for public comment. After analysis of the public comment, Customs will issue a decision to the petitioner, transmit copies to the ports involved and publish a summary of the decision in the **Federal Register** and Customs Bulletin. The response to a petition is not protestable.

*Discussion of Comments*

Commenters, although generally in favor of the uniformity procedures, had the following concerns. Some commenters suggested that we more clearly define what consititutes a "pattern of inconsistency." In the preamble of the proposed regulations, it was stated that a pattern of inconsistency must be shown regarding "substantially identical shipments" within a particular port, while the proposed regulation stated the pattern of inconsistency must be established where "substantially similar" merchandise is involved. Some commenters were also unclear as to whether the inconsistencies must all occur in one port.

Customs wishes to clarify. A "pattern of inconsistency" would exist where three or more instances are documented in which inspections or examinations are conducted that appear inconsistent with other inspection and examination decisions when substantially similar merchandise is involved. The three or more instances of inconsistency may occur in different ports. While inconsistencies involving shipments of the same importer, manufacturer, commodity and country of origin may clearly be the subject of this petitioning process, inconsistencies involving shipments that are not identical, but substantially similar, may also be the subject of a petition.

Some commenters believe that Customs response to a petition for consistent treatment should be protestable.

Customs believes that this is unnecessary. Section 514 of the Tariff Act of 1930, as amended (19 U.S.C. 1514) provides when an action by Customs is protestable. A petitioner who alleges inconsistent treatment and is dissatisfied with Customs is not entitled to protest unless there is an actual liquidation or other action subject to protest under Part 174, Customs Regulations (19 CFR Part 174) and sections 514 and 515 of the Tariff Act of 1930, as amended (19 U.S.C. 1514 and 1515).

It was commented that steps should be taken that when a "multiple petition" is returned to a sender, accompanied by a copy of the accepted petition, confidential information is not disclosed regarding the accepted petition.

Customs agrees. A provision is added to the regulations requiring a petitioner to provide a "sanitized" copy of his petition.

Other commenters stated that the applicable public comment period on a petition should be increased from 15 to at least 30 days.

Customs believes that a 15 day comment period is appropriate. This time frame is necessary in order for Customs to expidite the issuance of its decisions.

**Delaying the Effective Date of Certain Rules**

*Summary*

Customs proposed to amend § 177.9, Customs Regualtions (19 CFR 177.9) to specify that it may, from time to time, delay the effective date of rulings which modify or reverse earlier written rulings, or which modify the manner in which Customs has treated "substantially identical" transactions in the past. Customs may provide for the delay on its own initiative or it may act upon a request for a delay made by the recipient of the ruling.

*Discussion of Comments*

It was recommended by a commenter that equitable relief should be granted not only in cases of detrimental reliance, but also in cases where an importer is placed at a competitive disadvantage owing to inequality of treatment. By requiring a showing of detrimental reliance, it is argued that importers for whom rulings are pending—and who thus cannot claim a lack of knowledge that the rate of duty may increase on their merchandise—are disadvantaged vis-a-vis other importers of the same type merchandise who, because they are not party to the ruling, are in a position to establish the required reliance for a grant of delay of an effective date of a ruling.

Customs does not agree with this commenter's reading of the language in proposed 19 CFR 177.9(d)(3). The section states that "a delay may be granted with respect to the party to whom the ruling letter was issued or to any other party, provided such party can demonstrate * * * that they reasonably relied on the earlier ruling to their detriment." In effect, insofar as coverage under the proposed rule is not limited to importers who lack knowledge regarding the pendency of an issue before Customs which may result in a higher rate of duty for their importations, the rule does not penalize one importer vis-a-vis another importer of the same merchandise. Rather, the rule is specifically intended to afford importers an opportunity to make whatever adjustments are necessary once they become aware of a possible modification of Customs treatment. Under the proposed rule, it is envisioned that Customs will carefully examine all relevant factors in making a determination of whether and for how long to grant a delay in an effective date of a ruling.

It was also recommended that we extend the period for granting delays in the effective date of rulings from 90 days, to 180 days, or even to 360 days.

Customs disagrees. While our proposed amendment is intended to mitigate the adverse impact of rulings modifying earlier rulings relied upon by importers, sound public policy also requires that we give expeditious effect to the requirements of the law. We believe that limiting any delay to 90 days properly balances these considerations.

Another commenter suggested that we reduce from two years the period for which an affected party must demonstrate that Customs treatment was sufficiently continuous to establish that the party reasonably relied on receiving such treatment in arranging future transactions.

Customs believes the importer is misreading the language of the amendment. The requirement that an affected party submit evidence covering a 2 year period is not to be interpreted as requiring substantially identical transactions spanning an entire 2 year period. Rather, an importer is required to list and otherwise provide whatever relevant evidence exists for the 2 year period immediately prior to the date of the issuance of the modifying ruling.

Finally, it has been suggested that we delete the language which would allow Customs, in analyzing past liquidations claimed to be inconsistent with a subsequently issued ruling, to give "diminished weight" to liquidations involving "transactions of small quantities or values" or merchandise which has been "processed without examination and/or import specialist review."

Delaying the effective date of rulings constitutes an exercise of discretionary authority based on the equitable principle of reliance. In determining whether and for how long to delay the effective date of a ruling which so qualifies, Customs should be able to consider all relevant factors. The extent to which Customs has physically examined previous importations or carefully reviewed information on prior transactions are relevant factors.

**Obligation of Recipients of Letter Rulings**

*Summary*

Customs proposed to amend § 177.8(a)(2), Customs Regulations (19 CFR 177.8(a)(2)) to expressly set forth the obligation of an importer to enter merchandise under a tariff classification consistent with that contained in any classification ruling received by the importer which is in effect. The amendment also requires that a copy of the ruling be attached to the documents filed with the appropriate Customs office in connection with that transaction or shall otherwise indicate with the information filed for that transaction that a ruling has been received.

*Discussion of Comments*

Some commenters stated that there is no justification for requiring either that a copy of a ruling letter be submitted or that each transaction include a statement that a ruling has been issued. They believe that this would impose an unnecessary burden and expense on importers.

Customs expends considerable resources in providing tariff classifications to the importing public. Insofar as Customs is bound by the classification rulings it issues, it is only appropriate that the importing public be bound as well.

Although Customs shares the aversion to requiring an additional piece of paper in the entry summary package, one of our major considerations is to ensure that Customs honors its commitment to uniformly apply ruling decisions throughout the country. Without a method for the Import Specialist to know that a ruling exists, an importer risks having summaries rejected or classifications changed due to different views.

Customs is considering implementing a procedure where, under certain circumstances, a ruling could be filed once at each port of entry where the merchandise is entered and reference made to the ruling number on each summary line. We are programming rulings indicators in the Automated Commercial Systems (ACS) on the summary line item screens. When this becomes operational, a copy of a ruling will not be required for Automated Broker Interface (ABI) filers for summary filing. We are also developing a rulings module in ACS to ease field access to rulings. Until that time, however, we believe it is critical to uniformity and in the best interest of the importer to require a paper copy.

Some commenters state that they are entitled to enter merchandise at the tariff rate they feel is warranted.

Customs believes that if a ruling is requested, it should be followed. Making entry consistent with a binding Customs ruling in no way diminishes the available avenues of administrative appeal. Protests may still be filed under Part 174, Customs Regulations, and section 514 of the Tariff Act of 1930, as amended (19 U.S.C. 1514).

Some commenters suggested that we should clarify what constitutes a "ruling letter" and provide assurance that only the specific party to whom a ruling is issued is requested to submit that ruling to Customs.

To the extent that the proposed amendment may be ambiguous regarding what constitutes a ruling letter, the amendment is revised to make it clear that it contemplates coverage limited to binding classification rulings, including pre-entry classification decisions issued under Part 177 of the regulations to the party to be bound. It is Customs intent that this amendment does not apply to parties other than those parties to whom the ruling letter in question is issued.

Finally, it has been suggested that Customs should enumerate the specific penalty proceedings which may be instituted against importers who enter merchandise contrary to the requirements set forth in the amendment.

Customs disagrees. As with Customs penalty proceedings in general, penalties may vary depending on a range of factors, such as the differential in the rate of duties, the degree of negligence and the value of the merchandise involved.

**Elimination of "Clearly Wrong" Test**

*Summary*

Customs proposed to remove the "clearly wrong" standard from § 177.10(b) of the Customs Regulations.

*Discussion of Comments*

It has been suggested that our proposal to eliminate the "clearly wrong" test is misguided. Specifically, it is argued that the test should be retained because it promotes certainty and uniformity in the importing process.

We do not believe that removal of this provision would adversely affect the importing community. Under the relevant statutory and case law, Customs may only disturb a practice if there exists a compelling reason to do so, and only then after full consideration of public comment. In short, we believe the test has proven to be unrealistic, unnecessary and confusing.

**Conclusion**

After careful consideration of all the comments received and further review of the matter, it has been determined that the amendments, with the modifications discussed above, should be adopted.

**Executive Order 12291**

The document does not meet the criteria for a "major rule" as defined in section 1(b) of E.O. 12291. Accordingly, no regulatory impact analysis has been prepared.

**Regulatory Flexibility Act**

Pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), it is certified that the amendments will not have a significant economic impact on a substantial number of small entities. Accordingly the amendments are not subject to the regulatory analysis requirements of 5 U.S.C. 603 and 604.

**Paperwork Reduction Act**

The collection of information contained in this final regulation has been reviewed and approved by the Office of Management and Budget in accordance with the requirements of the Paperwork Reduction Act (44 U.S.C. 3504(h)) under control number 1515–0103. The estimated average annual burden per respondent and/or recordkeeper is .1666 or .50 hours depending on individual circumstances.

Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to U.S. Customs Service, Paperwork Management Branch, Washington, DC 20229, or the Office of Management and Budget, Paperwork Reduction Project (1515–0103), Washington, DC 20503.

### Drafting Information

The principal author of this document was Harold M. Singer, Regulations and Disclosure Law Branch, U.S. Customs Service. However, personnel from other offices participated in its development.

### List of Subjects in 19 CFR Part 177

Administrative practice and procedure.

### Amendments to the Regulations

Part 177 of the Customs Regulations (19 CFR Part 177) is amended as set forth below:

## PART 177—ADMINISTRATIVE RULINGS

1. The authority citation for Part 177, Customs Regulations (19 CFR Part 177), is revised to read as follows:

Authority: 5 U.S.C. 301, 19 U.S.C. 66, 1202 (General Note 8, Harmonized Tariff Schedule of the United States), 1624, unless otherwise noted. section 177.12 also issued under Pub. L. 100–690 (19 U.S.C. 1514 note).

2. Section 177.0, Customs Regulations is amended by revising the first sentence and the following parenthetical to read as follows:

### § 177.0 Scope.

This part relates to the issuance of rulings to importers and other interested persons by the United States Customs Service. * * *

3. Section 177.1, Customs Regulations, is amended by revising the second sentence of paragraph (a)(1), the last sentence of paragraph (b), and the first sentence of both paragraph (d)(1) and (d)(2) to read as follows:

### § 177.1 General ruling practice and definitions.

(a) *The issuance of rulings generally*—(1) *Prospective transactions* * * * For this reason, the Customs Service will give full and careful consideration to written requests from importers and other interested parties for rulings or information setting forth, with respect to a specifically described transaction, a definitive interpretation of applicable law, or other appropriate information. * * *

* * * * *

(b) *Oral advice.* * * * However, oral inquiries may be made to Customs Service offices regarding existing rulings, the scope of such rulings, the types of transactions with respect to which the Customs Service will issue rulings, the scope of the rulings which may be issued, or the procedures to be followed in submitting ruling requests, as described in this part.

* * * * *

(d) *Definitions.* (1) A "ruling" is a written statement issued by the Headquarters Office or the appropriate office of Customs as provided in this part that interprets and applies the provisions of the Customs and related laws to a specific set of facts. * * *

(2) An "information letter" is a written statement issued by the Customs Service that does no more than call attention to a well-established interpretation or principle of Customs law, without applying it to a specific set of facts. * * *

4. Section 177.2, Customs Regulations, is amended by revising the last sentence of paragraph (a), adding a new sentence to the end of paragraph (b)(2)(ii)(A), revising paragraph (b)(2)(ii)(B), revising paragraph (b)(2)(ii)(C) and revising the first sentence of paragraph (d) to read as follows:

### § 177.2 Submission of ruling requests.

(a) *Form.* * * * Requests for tariff classification rulings should be addressed to the Regional Commissioner of Customs, New York Region, Attn: Classification Ruling Requests, New York, New York 10048, or to any Area or District office of the Customs Service.

(b) *Content* * * *

(2) *Description of transaction* * * *

(ii) *Tariff classification rulings.* (A) * * * Individual requests for rulings submitted to Area or District offices will be limited to five (5) merchandise items, all of which must be of the same class or kind.

(B) Rulings issued by the New York Region or by other Area or District offices are limited to prospective transactions. Only the Headquarters Office will prepare final decisions under § 177.11 (Requests for Advice by Field Officers), or § 174.23 (Further Review of Protests), § 177.10 (Change of Practice), decisions under Part 175 of this Chapter (petitions under Section 516, Tariff Act of 1930, as amended), decisions under § 177.12 (Inconsistent Customs decisions), and decisions under Policies and Procedures Manual Supplement 2126–01.

(C) The requesting party may send the request directly to the Director, Commercial Rulings Division, U.S. Customs Service, Washington, DC 20229. The Headquarters Office retains authority to independently review all tariff classification ruling letters issued by the New York Region and other Area and District Offices. If the importer or other person to whom a ruling letter is issued disagrees with the tariff classification set forth in a ruling issued by the New York Region or other Area or District offices, he may petition the Director, Commercial Rulings Division, U.S. Customs Service, Washington, DC 20229, for review of the ruling.

* * * * *

(d) *Requests for immediate consideration.* The Customs Service will normally process requests for rulings in the order they are received and as expeditiously as possible. * * *

5. Section 177.3 is revised to read as follows:

### § 177.3 Nonconforming requests for rulings.

A person submitting a request for a ruling that does not comply with all of the provisions of this part will be so notified in writing, and the requirements that have not been met will be pointed out. Except in the case of ruling requests submitted to Area or District offices, such person will be given a period of thirty (30) days from the date of the notice (or such longer period as the notice may provide) to supply any additional information that is requested or otherwise conform the ruling request to the requirements referred to in the notice. The Customs Service file with respect to ruling requests which are not brought into compliance with the provisions of this part within the period of time allowed will be administratively closed and the request removed from active consideration until such time as the deficiencies cited in the notice are corrected. A request for a ruling that is removed from active consideration by reason of failing to comply with the provisions of this part may be treated as withdrawn. In the case of ruling requests made to Area or District offices, a failure to comply with the provisions of this part will result in the return of the ruling request with the notice specifying the deficiencies and such requests will not be considered as having been filed until such deficiencies are corrected.

### § 177.4 [Amended]

6. Section 177.4(b) is amended by removing the second sentence.

7. Section 177.4(d) is amended by removing the words "by the Headquarters Office" at the end of the section.

8. Section 177.5 is amended by revising the second sentence to read as follows:

**§ 177.5 Change in status of transaction.**

* * * In particular, the Customs Service office to which the request was made must be advised when any transaction described in the ruling request as prospective becomes current and under the jurisdiction of a Customs Service field office. * * *

9. Section 177.8 is amended by revising the first sentence of paragraph (a)(1), all of paragraph (a)(2), and the last sentence of paragraph (a)(3) to read as follows:

**§ 177.8 Issuance of rulings.**

(a) *Ruling letters*—(1) *Generally.* The Customs Service will endeavor to issue a ruling letter setting forth a determination with respect to a specifically described Customs transaction whenever a request for such a ruling is submitted in accordance with the provisions of this part and it is in the sound administration of the Customs and related laws to do so. * * *

(2) *Submission of ruling letters to field offices.* Any person engaging in a Customs transaction with respect to which a binding tariff classification ruling letter (including pre-entry classification decisions) has been issued under this part shall ascertain that a copy of the ruling letter is attached to the documents filed with the appropriate Customs Service office in connection with that transaction, or shall otherwise indicate with the information filed for that transaction that a ruling has been received. Any person receiving a ruling setting forth the tariff classification of merchandise shall set forth such classification in the documents or information filed in connection with any subsequent entry of that merchandise; the failure to do so may result in a rejection of the entry and the imposition of such penalties as may be appropriate. A ruling received after the filing of such documents or information shall immediately be brought to the attention of the appropriate Customs Service field office.

(3) *Disclosure of ruling letters.* * * * All ruling letters issued by the Customs Service will be available, upon written request, for inspection and copying by any person (with any portions determined to be exempt from disclosure deleted).

* * * * *

10. Section 177.9 is amended by revising paragraph (a), revising the concluding text of paragraph (d)(2), and adding new paragraphs (d)(3) and (e) to read as follows:

**§ 177.9 Effect of ruling letters; modifications or revocation.**

(a) *Effect of ruling letters generally.* A ruling letter issued by the Customs Service under the provisions of this part represents the official position of the Customs Service with respect to the particular transaction or issue described therein and is binding on all Customs Service personnel in accordance with the provisions of this section until modified or revoked. In the absence of a change of practice or other modification or revocation which affects the principle of the ruling set forth in the ruling letter, that principle may be cited as authority in the disposition of transactions involving the same circumstances. Generally, a ruling letter is effective on the date it is issued and may be applied to all entries which are unliquidated, or other transactions with respect to which the Customs Service has not taken final action on that date. See, however, paragraphs (d) and (e) (ruling letters which modify previous ruling letters or positions) and § 177.10(e) (ruling letters published in the *Customs Bulletin*).

* * * * *

(d) *Modification or revocation of ruling letters* * * *

(2) *Effect of modification or revocation of ruling letters.* * * *

* * * * *

Nothing in this paragraph will prohibit the retroactive modification or revocation of a ruling with respect to a transaction which was not prospective at the time the ruling was issued, inasmuch as such a transaction was not entered into in reliance on a ruling from the Customs Service.

(3) *Effective dates.* Generally, a ruling letter modifying or revoking an earlier ruling letter will be effective on the date it is issued. However, the Customs Service may, upon application or on its own initiative, delay the effective date of such a ruling for a period of up to 90 days from the date of issuance. Such a delay may be granted with respect to the party to whom the ruling letter was issued or to any other party, provided such party can demonstrate to the satisfaction of the Customs Service that they reasonably relied on the earlier ruling to their detriment. All parties applying for a delay will be issued a separate ruling letter setting forth the period, if any, of the delay to be provided. In appropriate circumstances, the Customs Service may decide to make its decision, with respect to a delay, applicable to all affected parties, irrespective of demonstrated reliance; in this event, a notice announcing the delay will be published in the Customs Bulletin and individual ruling letters will not be issued.

(e) *Ruling letters modifying past Customs treatment of transactions not covered by ruling letters*—(1) *General.* The Customs Service will from time to time issue a ruling letter covering a transaction or issue not previously the subject of a ruling letter and which has the effect of modifying the treatment previously accorded by the Customs Service to substantially identical transactions of either the recipient of the ruling letter or other parties. Although such a ruling letter will generally be effective on the date it is issued, the Customs Service may, upon application by an affected party, delay the effective date of the ruling letter, and continue the treatment previously accorded the substantially identical transaction, for a period of up to 90 days from the date the ruling letter is issued.

(2) *Applications by affected parties.* In applying to the Customs Service for a delay in the effective date of a ruling letter described in paragraph (e)(1) of this section, an affected party must demonstrate to the satisfaction of the Customs Service that the treatment previously accorded by Customs to the substantially identical transactions was sufficiently consistent and continuous that such party reasonably relied thereon in arranging for future transactions. The evidence of past treatment by the Customs Service shall cover the 2-year period immediately prior to the date of the ruling letter, listing all substantially identical transactions by entry number (or other Customs assigned number), the quantity and value of merchandise covered by each such transaction (where applicable), the ports of entry, and the dates of final action by the Customs Service. The evidence of reliance shall include contracts, purchase orders, or other materials tending to establish that the future transactions were arranged based on the treatment previously accorded by the Customs Service.

(3) *Decision by Customs to grant delay.* The Customs Service will examine all factors relevant to the issue of reliance in determining whether, and for what period, to delay the effective date of a ruling letter described in paragraph (e)(1) of this section. In particular, the Customs Service will examine the past transactions on which reliance is claimed to determine whether there was an examination of the merchandise (where applicable) by the Customs Service or the extent to which those transactions were otherwise examined and analyzed by the Customs Service to determine the proper

application of the Customs laws and regulations. In general, transactions involving small quantities or values, as well as informal entries and other entries or transactions which the Customs Service, in the interest of commercial facilitation and accommodation, processes expeditiously and without examination and/or import specialist review, will be given diminished weight in establishing the required history of consistent and continuous Customs treatment. Unless a notice covering all affected parties is published in the *Customs Bulletin*, each affected party applying for a delay in the effective date of the ruling letter will be advised in a separate ruling letter of the extent to which a delay in the effective date will be applied to their transactions.

**§ 177.10 [Amended]**

11. Paragraph (b) of § 177.10 is amended by removing the last senctence.

12. Section 177.11(b)(1) is revised to read as follows:

**§ 177.11 Requests for advice by field offices.**

* * * * *

(b) *Certain current transactions.*

(1) *When a ruling has been issued*—(i) *Requests by field offices.* If any Customs Service office has issued a ruling letter with respect to a particular Customs transaction and the Customs Service field office having jurisdiction over that transaction believes that the ruling should be modified or revoked, the field office will forward to the Headquarters Office, pursuant to § 177.9(b)(1), a request that the ruling be reconsidered. The field office will notify the importer or other person to whom the ruling letter was issued, in writing, that it has requested the Headquarters Office to reconsider the ruling.

(ii) *Requests by importers and others.* If the importer or other person to whom a ruling letter is issued disagrees with the Customs Service field office having jurisdiction over the transaction to which the ruling relates as to the proper application of the ruling to the transaction, the field office will, upon receipt of a written request submitted in accordance with the procedure set forth in paragraph (b)(3) of this section, request advice from the Headquarters Office as to the proper application of the ruling to the transaction. Such advice may not be requested for the purpose of seeking reconsideration of a ruling with which the importer or other person to whom the ruling letter was issued disagrees.

13. A new § 177.12 (19 CFR 177.12) is added to Subpart A to read as follows:

**§ 177.12 Inconsistent customs decisions.**

(a) *Generally.* Certain decisions made by Customs officials at one field location which are inconsistent with decisions being made by Customs officials at another location may be brought to the attention of Customs Headquarters for resolution by a petition filed by an interested party. The types of decisions which may be the subject of such a petition, a description of the parties who qualify as interested parties, and the period of time in which the petition may be filed are set forth below.

(1) *Inconsistent decisions subject to petition.* The decisions which may be the subject of a petition include:

(i) Decisions described in section 514(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1514(a)), made with respect to the same, or substantially similar, merchandise; and

(ii) Repeated decisions to conduct intensified inspections or examinations of merchandise at ports of entry.

(2) *Interested Parties.* The following parties shall be considered interested parties entitled to file a petition under this section:

(i) Parties described in section 514(c)(1) of the Tariff Act of 1930, as amended (19 U.S.C. 1514(c)(1)), as eligible to file a protest under section 514;

(ii) A port authority; and

(iii) An "interested party," as described in section 516(a)(2) of the Tariff Act of 1930, as amended (19 U.S.C. 1516(a)(2)).

(3) *Time for filing.* In the case of decisions described in section 514(a) of the Tariff Act, the petition must be filed within the time prescribed by section 514(c)(2), for filing a protest with respect to the later (or latest) of the decisions which are the subject of the petition. In the case of repeated decisions to conduct intensified inspections or examinations of merchandise at ports of entry, the petition must be filed within ninety (90) days of the later (or latest) such decision.

(b) *Petition*—(1) *Form.* The petition shall be in the form of a letter addressed to the Office of Regulations and Rulings, U.S. Customs Service, Washington, DC 20229–0001. Three copies of the petition should be submitted, if possible.

(2) *Content.* The petition should contain a complete description of the inconsistent decisions complained of, including the ports of entry (or other Customs office) where the decisions were made, entry numbers, and the dates (or approximate dates) such decisions were made. The information set forth in the petition must be sufficient to demonstrate the inconsistency of the decisions described and that the merchandise, or circumstances in which the allegedly inconsistent decisions were made, were substantially similar. In the case of repeated decisions regarding the inspection or examination of merchandise, the decisions must be sufficient in number to demonstrate a pattern of inconsistency not attributable to random selection. Any information which the petitioner considers to be confidential business information should be so noted pursuant to § 177.2(b)(7) of this Subpart and a sanitized version of his petition should be submitted as well as the three copies requested in paragraph (b)(1) of this section. Petitions which do not contain information sufficient to permit the Customs Service to verify that the decisions described have occurred will not be considered properly filed and will be returned to the petitioner for additional information. Only one petition will be accepted by the Customs Service with respect to the decisions alleged to be inconsistent.

(i) *Tariff classification decision.* In the case of decisions involving the tariff classification of merchandise, the petition should also include, with respect to each of the decisions described, the information requested in §§ 177.2 (b)(1) and (b)(2)(ii) of this Subpart, including a sample (see § 177.2(b)(3)).

(ii) *Other subjects addressable by administrative rulings.* In the case of other decisions involving subjects which could be addressed under the administrative rulings procedure provided for in §§ 177.1 through 177.10 of this Subpart, the information contained in §§ 177.2 (b)(1), (b)(2)(iii) and/or (b)(2)(iv), as applicable, should be also furnished for each of the decisions addressed by the petition.

(c) *Publication and public comment.* Upon receipt of a properly filed petition, notice will be published in the **Federal Register** announcing the receipt of the petition and describing the decisions alleged to be inconsistent. Public comment on the petition will be permitted for a period of fifteen (15) days after publication. Public comment regarding the proper disposition of the petition shall be limited to that submitted in writing, either with the petition or in response to the Federal Register solicitation of public comment.

(d) *Determination of petition; distribution and publication.* Within fifteen (15) days after the close of the period for public comment referred to in paragraph (c) of this section, the Customs Service will issue a decision to the petitioner addressing the inconsistency complained of. That decision will either conform the inconsistent decisions to the current views of the Customs Service as to the proper tariff classification or other disposition of the subject of those decisions or explain why no inconsistency exists. Copies of the decisions to the petitioner will be transmitted directly to all ports (or other Customs offices) identified in the petition and will be distributed through the Customs Information Exchange or by other means to such other ports or offices as may be necessary to correct any inconsistency identified. A summary of the decision will also be published in the Federal Register and the weekly Customs Bulletin.

(e) *Effective date.* Unless otherwise specified in the decision, a decision issued in response to a petition filed under this section will be effective immediately and, where applicable, applied to all entries for which liquidation is not final.

(f) *Effect on other procedures.* The filing of a petition under this procedure shall not preclude the petitioner or any other person entitled to do so from filing a protest or a domestic interested party petition regarding the same matter under the procedures set forth in sections 514, 515 and 516 of the Tariff Act of 1930, as amended and Parts 174 and 175 of this Chapter, provided the applicable requirements set forth therein are complied with. However, the decision issued in response to the petition may serve as the basis for the disposition of any protest so filed, or as an information letter setting forth the position of the Customs Service pursuant to Subpart A of Part 175 of this Chapter. The decision issued in response to a petition filed under this section is not itself a decision subject to protest under sections 514–515 of the Tariff Act and Part 174 of this Chapter.

**William von Raab,**

*Commissioner of Customs.*

Approved: July 24, 1989.

**Salvatore R. Martoche,**

*Assistant Secretary of the Treasury.*

[FR Doc. 89-17601 Filed 7-28-89; 8:45 am]

BILLING CODE 4820-02-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

### 21 CFR Part 178

[Docket No. 88F-0209]

## Indirect Food Additives; Adjuvants, Production Aids, and Sanitizers

**AGENCY:** Food and Drug Administration.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of 2-(8-heptadecenyl)-4,5-dihydro-1*H*-imidazole-1-ethanol as an additive for lubricants with incidental food contact. This action is in response to a petition filed by Ciba-Geigy Corp.

**DATES:** Effective July 31, 1989; written objections and requests for a hearing by August 30, 1989.

**ADDRESSES:** Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** Vir Anand, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

**SUPPLEMENTARY INFORMATION:** In a notice published in the Federal Register of July 21, 1988 (53 FR 27568), FDA announced that a food additive petition (FAP 8B4093) had been filed by Ciba-Geigy Corp., Three Skyline Dr., Hawthorne, NY 10532, proposing that § 178.3570 *Lubricants with incidental food contact* (21 CFR 178.3570) be amended to provide for the safe use of 2-(8-heptadecenyl)-4,5-dihydro-1*H*-imidazole-1-ethanol as a multipurpose additive for lubricants with incidental food contact.

FDA has evaluated data in the petition and other relevant material. The agency concludes that the proposed food additive use is safe, and that the regulations should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may at any time on or before August 30,1989, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

### List of Subjects in 21 CFR Part 178

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR Part 178 is amended as follows:

## PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

1. The authority citation for 21 CFR Part 178 continues to read as follows:

**Authority:** Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348); 21 CFR 5.10 and 5.61.

2. Section 178.3570 is amended in paragraph (a)(3) by alphabetically adding a new entry to the table to read as follows:

**§ 178.3570 Lubricants with incidental food contact.**

* * * * *

(a) * * *
(3) * * *

| Substances | Limitations |
|---|---|
| * * * | * * |
| 2-(8-Heptadecenyl)-4,5-dihydro-1*H*-imidazole-1-ethanol (CAS Reg. No. 95-38-5). | For use at levels not to exceed 0.5 percent by weight of the lubricant. |
| * * * | * * |

* * * * *

Dated: July 21, 1989.

Fred R. Shank,

*Acting Director, Center for Food Safety and Applied Nutrition.*

[FR Doc. 89-17786 Filed 7-26-89; 8:45 am]

BILLING CODE 4160-01-M

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of the Assistant Secretary for Housing—Federal Housing Commissioner

### 24 CFR Parts 201, 203, and 234

[Docket No. N-89-2016; FR-2672]

### Mortgage Insurance; Changes to the Maximum Mortgage Limits for Single Family Residences, Condominiums and Manufactured Homes and Lots

**AGENCY:** Office of the Assistant Secretary for Housing, Federal Housing Commissioner, HUD.

**ACTION:** Notice of revisions to FHA maximum mortgage limits for high-cost areas.

**SUMMARY:** This Notice amends the list of areas eligible for "high-cost" mortgage limits under certain of HUD's insuring authorities under the National Housing Act by increasing "high-cost" mortgage limits for Rutland County, Vermont; Ulster County, New York; St. Mary's County, Maryland; Albermarle County and the City of Charlottesville, Virginia; Spotsylvania County and the City of Fredericksburg, Virginia; the Miami-Hialeah, Florida PMSA; Monroe County, Florida; Tippecanoe County, Indiana; Los Alamos County, New Mexico; Park County, Colorado; Churchill County, Nevada; and Coconino County, Arizona. It also adds to the list "high-cost" mortgage limits for Sagadahoc County, Maine; Kent County, Delaware; Glynn County, Georgia; Maury County, Tennessee; Bartholomew County, Indiana; Sandoval County, New Mexico; and Blaine and Bonneville Counties, Idaho. Mortgage limits are adjusted in an area when the Secretary determines that middle- and moderate-income persons have limited housing opportunities because of high-prevailing housing sales prices.

**EFFECTIVE DATE:** July 31, 1989.

**FOR FURTHER INFORMATION CONTACT:** For single family: Morris Carter, Director, Single Family Development Division, Room 9270; telephone (202) 755-6720. For manufactured homes: Robert J. Coyle, Director, Title I Insurance Division, Room 9160; telephone (202) 755-6880; 451 Seventh Street, SW., Washington, DC 20410. (These are not toll-free numbers).

**SUPPLEMENTARY INFORMATION:**

### Background

The National Housing Act (NHA), 12 U.S.C. (1710–1749), authorizes HUD to insure mortgages for single family residences (from one- to four-family structures), condominiums, manufactured homes, manufactured home lots, and combination manufactured homes and lots. The NHA, as amended by the Housing and Community Development Amendments of 1980 and the Housing and Community Development Amendments of 1981, permits HUD to increase the maximum mortgage limits under most of these programs to reflect regional differences in the cost of housing. In addition, sections 2(b) and 214 of the NHA provide for special high-cost limits for insured mortgages in Alaska, Guam and Hawaii.

On April 7, 1989 (54 FR 14075), the Department published an amendment to the listing of areas elibible for "high-cost" mortgage limits under certain of HUD's insuring authorities under the National Housing Act, and their applicable limits for each area. A correction document to that amendment was published April 25, 1989 (54 FR 16360).

### This Document

Today's document increases high-cost mortgage amounts for Rutland County, Vermont; Ulster County, New York; St. Mary's County, Maryland; Albermarle County and the City of Charlottesville, Virginia; Spotsylvania County and the City of Fredericksburg, Virginia; the Miami-Hialeah, Florida PMSA; Monroe County, Florida; Tippecanoe County, Indiana; Los Alamos County, New Mexico; Park County, Colorado; Churchill County, Nevada; and Coconino County, Arizona. It also adds to the list "high-cost" mortgage limits for Sagadahoc County, Maine; Kent County, Delaware; Glynn County, Georgia; Maury County, Tennessee; Bartholomew County, Indiana; Sandoval County, New Mexico; and Blaine and Bonneville Counties, Idaho.

These amendments to the high-cost areas appear in two parts. Part I explains high-cost limits for mortgages insured under Title I of the National Housing Act. Part II lists changes for single family residences insured under section 203(b) or 234(c) of the National Housing Act.

### National Housing Act High Cost Mortgage Limits

I. Title I: Method of Computing Limits

A. *Section 2(b)(1)(D). Combination manufactured homes and lot (excluding Alaska, Guam and Hawaii):* To determine the high-cost limit for a combination manufactured home and lot loan, multiply the dollar amount in the "one-family" column of Part II of this list by .80. For example, Rutland County, Vermont has a one-family limit for $97,850. The combination home and lot loan limit for Rutland County is $97,850 × .80 or $78,280.

B. *Section 2(b)(1)(E): Lot only (excluding Alaska, Guam and Hawaii):* To determine the high-cost limit for a lot loan, multiply the dollar amount in the "one-family" column of Part II of this list by .20. For example, Rutland County, Vermont has a one-family limit of $97,850. The lot-only loan limit for Rutland County is $97,850 × .20 or $19,570.

C. *Section 2(b)(2). Alaska, Guam and Hawaii):* The maximum dollar limits for Alaska, Guam and Hawaii may be 140% of the statutory loan limits set out in section 2(b)(1).

Accordingly, the dollar limits for Alaska, Guam and Hawaii are as follows:

1. For manufactured homes: $56,700. (40,500 × 140%).
2. For combination manufactured homes and lots: $75,600. ($54,000 × 140%).
3. For lots only: $18,900. (13,500 × 140%).

II. Title II: Updating of FHA Sections 203(b), 234(c) and 214 Area-Wide Mortgage Limits.