

Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 123

RIN 1515-AC12

Designated Land Border Crossing Locations for Certain Conveyances

AGENCY: Customs Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes to amend the Customs Regulations to allow Customs to designate certain land border crossing locations for specified traffic and merchandise. It is proposed to grant port directors the express authority to require that certain types of vehicles or vehicles carrying certain types of merchandise enter the United States only at designated locations within the jurisdiction of the port director. Allowing port directors to divert particular traffic to specific facilities equipped with appropriate inspection facilities will enable Customs to better balance its resources, reduce border crossing congestion, and more efficiently perform inspections of conveyances and imported merchandise while reducing risks to public health and safety.

DATES: Comments must be received on or before January 16, 1998.

ADDRESSES: Written comments (preferably in triplicate) may be addressed to the Regulations Branch, Office of Regulations and Rulings, U.S. Customs Service, 1300 Pennsylvania Avenue, NW, Washington, DC 20229. Comments submitted may be inspected at the Regulations Branch, Office of Regulations and Rulings, U.S. Customs Service, 1300 Pennsylvania Avenue, NW, 3rd Floor, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ed Schack, Office of Field Operations, (202) 927-0251.

SUPPLEMENTARY INFORMATION:

Background

A port of entry, for Customs purposes, is any place that has been designated by Executive Order of the President, by order of the Secretary of the Treasury, or by Act of Congress as a place where a Customs officer is authorized to accept entries of merchandise, to collect duties, and to enforce the various provisions of the Customs and navigation laws. A Customs station, for Customs purposes, is any place, other than a port of entry, at which Customs officers or employees are stationed to enter and clear vessels, accept entries of merchandise, collect duties, and enforce the various provisions of the Customs and navigation laws of the United States. See 19 CFR 101.1. Regarding the entry of vehicles, pursuant to section 433 of the Tariff Act of 1930, as amended (19 U.S.C. 1433), vehicles may arrive in the United States only at border crossing points designated by the Secretary of the Treasury, and the person in charge of the vehicle, except as otherwise authorized by the Secretary, shall, immediately upon the vehicle's arrival, report the vehicle's arrival and present the vehicle and all persons and merchandise (including baggage) on board for inspection to the Customs officer at the Customs facility designated for that crossing point. Failure to report such arrival and make such presentation for inspection may result in the application of civil and criminal penalties, as provided under 19 U.S.C. 1436, in addition to other penalties applicable under other provisions of law. See 19 U.S.C. 1459 and 1497. Customs reporting and inspection requirements applicable to individuals and vehicles entering the United States at land border crossings are delineated at § 123.1, Customs Regulations (19 CFR 123.1).

Generally, entry into the United States may be accomplished at any designated border crossing point. However, certain vehicles or imported merchandise carried thereon could be processed more thoroughly, safely, and expeditiously by having the vehicle report to a particular border crossing point designed to handle the identified vehicle or merchandise, rather than by allowing the vehicle or merchandise to be entered at any border crossing point. Also, in the interests of improving cross-border

traffic as well as Customs law enforcement effectiveness, there are some border crossing points that could provide better service by being restricted to noncommercial traffic and pedestrians. Customs port directors may wish to limit certain traffic in this manner for many reasons, including for purposes of reducing congestion at a particular border crossing point or for purposes of protecting public health and safety. For example, the rerouting of hazardous material cargoes to alternate facilities in less-populated areas within a port of entry or at Customs stations under the jurisdiction of the port director may offer a dual benefit for a heavily populated downtown area by relieving traffic congestion and removing the threat of a catastrophic hazardous material spill. In this regard, certain crossing facilities are better equipped than others to handle certain kinds of traffic, such as trucks carrying hazardous materials.

Accordingly, Customs proposes to amend § 123.1(b) of the Customs Regulations (19 CFR 123.1(b)) (relating to report of arrival and presentation requirements) to provide that port directors, for good cause, may require certain types of vehicles or vehicles that carry certain types of merchandise be routed to a particular border crossing facility within the jurisdiction of the port director. If a particular border crossing point is so designated by a port director, it is proposed that the port director will communicate this to the public by the same means already specified in paragraph (d) of § 123.1 for local instructions regarding report of arrival.

Comments

Before adopting this proposed regulation as a final rule, consideration will be given to any written comments timely submitted to Customs. Comments submitted will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), § 1.4 of the Treasury Department Regulations (31 CFR 1.4), and § 103.11(b) of the Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9 a.m. and 4:30 p.m. at the Regulations Branch, Office of Regulations and Rulings, U.S. Customs Service, 1300 Pennsylvania Avenue, NW., 3rd Floor, Washington, DC.

Inapplicability of the Regulatory Flexibility Act and Executive Order 12866

Pursuant to provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), it is certified that, if adopted, the proposed amendment will not have a significant economic impact on a substantial number of small entities. The proposed amendment provides for the expeditious processing of certain conveyances at designated locations within a port of entry or at Customs stations designed to best provide inspection services for the identified conveyances, and concerns issues of public health and safety. Accordingly, the proposed amendment is not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604. This amendment does not meet the criteria for a "significant regulatory action" as specified in Executive Order 12866.

Drafting Information: The principal author of this document was Gregory R. Vilders, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices participated in its development.

List of Subjects in 19 CFR Part 123

Administrative practice and procedure, Canada, Common carriers, Customs duties and inspection, Entry of merchandise, Imports, International boundaries (Land border), Mexico, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

For the reasons stated above, it is proposed to amend Part 123 of the Customs Regulations (19 CFR part 123), as set forth below:

PART 123—CUSTOMS RELATIONS WITH CANADA AND MEXICO

1. The authority citation for Part 123 continues to read in part as follows:

Authority: 19 U.S.C. 66, 1202 (General Note 20, Harmonized Tariff Schedule of the United States (HTSUS)), 1431, 1433, 1624; Section 123.1 also issued under 19 U.S.C. 1459;

* * * * *

2. In § 123.1, paragraph (b) is amended by adding two new sentences after the first sentence to read as follows:

§ 123.1 Report of arrival from Canada or Mexico and permission to proceed.

* * * * *

(b) *Vehicles.* * * * A port director, for good cause such as reducing traffic congestion or to protect public health

and safety, may require certain types of vehicles or vehicles carrying certain types of merchandise to enter only at specified border crossing points within the jurisdiction of the port director. The port director shall communicate this requirement to the public by means of local instructions, as provided in paragraph (d) of this section. * * *

George J. Weise,
Commissioner of Customs.

Approved: September 24, 1997

John P. Simpson,
Deputy Assistant Secretary of the Treasury.
[FR Doc. 97-30049 Filed 11-14-97; 8:45 am]
BILLING CODE 4820-20-P

INTERNATIONAL TRADE COMMISSION

19 CFR Part 201

Revision of Public Notice, Freedom of Information Act, and Privacy Act Regulations, and Implementation of Electronic Freedom of Information Act Amendments of 1996

AGENCY: International Trade Commission.

ACTION: Notice of proposed rulemaking and request for comments.

SUMMARY: The United States International Trade Commission (Commission) proposes to amend its rules of practice and procedure to make certain changes to rules relating to public notices, availability of information under the Freedom of Information Act (FOIA), and safeguarding of individual privacy under the Privacy Act of 1974 (Privacy Act). The intended effect of the changes is to implement the Electronic Freedom of Information Act Amendments of 1996 and otherwise to bring the rules into conformity with current Commission practices and procedures, and with current costs of providing services.

DATES: Comments must be submitted on or before December 17, 1997.

ADDRESSES: Written comments (original and 14 copies) concerning these proposed rule amendments may be submitted to the Secretary, U.S. International Trade Commission, 500 E. Street, SW, Washington, DC 20436.

FOR FURTHER INFORMATION: For further information contact the following persons in the Commission's Office of General Counsel: For the proposed Privacy Act and public notice rules amendments, Paul R. Bardos, telephone 202-205-3102; and for the proposed FOIA rules amendments, William W.

Gearhart, telephone 202-205-3091. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal at (202) 205-1810.

SUPPLEMENTARY INFORMATION: Section 335 of the Tariff Act of 1930 (19 U.S.C. 1335) authorizes the Commission to adopt such reasonable procedures and rules and regulations as it deems necessary to carry out its functions and duties.

Public Notices

Commission rule § 201.10, which relates to public notices, currently provides that the Commission, *inter alia*, will publish a notice for every properly filed document that it receives, and that the Commission will furnish an announcement regarding notices to the Treasury Department for publication in *Treasury Decisions* and to the Department of Commerce for publication in *International Commerce*. The Commission seeks to bring the rule into conformity with current agency practice and eliminate both requirements. Because the Commission believes that it would be wasteful and unnecessary to provide public notice for every document filed, agency practice has been to not issue such notices. Nevertheless, the Commission will retain the discretion to provide public notification of properly filed documents as appropriate. The Commission no longer furnishes announcements of all public notices to Treasury and Commerce for further publication by those agencies and the agencies have not objected.

Freedom of Information Act

The Commission's Freedom of Information Act rules are set forth in subpart C of part 201 (currently 19 CFR 201.17 through 201.21). The Commission proposes to amend §§ 201.17, 201.18, and 201.20 to provide for expedited treatment of certain FOIA requests (as required by the Electronic Freedom of Information Act Amendments of 1996 (Pub.L. 104-231)), adjust its charges for search, review, and computer time to reflect current agency staff salary levels, and make certain other changes to clarify and update the rules.

More specifically, the Commission proposes to reorganize and amend § 201.17 of its rules to provide, in new paragraph (b), for expedited processing of FOIA requests under certain circumstances. The Commission also proposes to amend paragraph (a) of § 201.17 to state that FOIA requests will be processed in the order in which they