

**SUPPLEMENTARY INFORMATION:****Confirmation of Effective Date**

The FAA published this direct final rule with a request for comments in the **Federal Register** on March 12, 2009 (74 FR 10676), Docket No. FAA-2009-0053; Airspace Docket No. 09-ASO-11. The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on May 7, 2009. No adverse comments were received, and thus this notice confirms that effective date.

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Issued in College Park, Georgia, on September 2, 2009.

**Barry A. Knight,**

*Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.*

[FR Doc. E9-22073 Filed 9-24-09; 8:45 am]

**BILLING CODE 4910-13-P**

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**DEPARTMENT OF HOMELAND SECURITY**
**Bureau of Customs and Border Protection**
**DEPARTMENT OF THE TREASURY**
**19 CFR Parts 12 and 163**

[CBP Dec. 09-36]

**RIN 1505-AC14**

**Entry of Certain Cement Products From Mexico Requiring a Commerce Department Import License**

**AGENCIES:** Customs and Border Protection, Department of Homeland Security; Department of the Treasury.

**ACTION:** Final rule.

**SUMMARY:** This document amends title 19 of the Code of Federal Regulations (19 CFR) by removing regulations originally promulgated to provide special entry requirements for certain cement products from Mexico requiring a United States Department of Commerce import license and to include certain required entry documentation in the “List of Records Required for the Entry of Merchandise” set forth in the Appendix to Part 163 of title 19 of the Code of Federal Regulations. Since the underlying trade agreement that necessitated these

regulations expired on March 31, 2009, they are no longer necessary and are obsolete.

**DATES:** The amendment is effective September 25, 2009.

**FOR FURTHER INFORMATION CONTACT:** Christine Furgason, Acting Director, AD/CVD and Revenue Policy & Programs, Customs and Border Protection, 1400 L Street, NW., Washington, DC 20229, Tel (202) 863-6081.

**SUPPLEMENTARY INFORMATION:**
**Background**

On March 6, 2006, the Office of the United States Trade Representative (USTR), the United States Department of Commerce (Commerce), and the Ministry of Economy of the United Mexican States (Secretaria de Economia) signed a bilateral Trade in Cement Agreement (Agreement) concerning the entry of certain cement products from Mexico into the United States. The Agreement required the creation of an Export Licensing Program by Mexico and an Import Licensing Program by Commerce to enforce certain quantitative restrictions contained in the Agreement. The Agreement included a provision for its termination on March 31, 2009. A copy of the Agreement is available on the Commerce Web site: <http://www.ia.ita.doc.gov/download/mexico-cement/cement-final-agreement.pdf>.

To implement the Agreement, the International Trade Administration of the Department of Commerce (ITA) published a final rule in the **Federal Register** (72 FR 10006) on March 6, 2007, prescribing the cement licensing and import monitoring program regulations promulgated at 19 CFR 361.101-361.105.

On March 6, 2007, Customs and Border Protection (CBP) published a corollary final rule in the **Federal Register** (72 FR 10004) that promulgated special requirements for the entry into the U.S. of certain cement products from Mexico requiring a U.S. Department of Commerce import license, at new 19 CFR 12.155. The “List of Records Required for the Entry of Merchandise” set forth in the Appendix to Part 163 was also amended by that document to reflect the entry document requirements mandated by the Agreement.

As the Agreement expired on March 31, 2009, § 12.155 and the references to Mexican Cement export and import licenses in the Appendix to Part 163 are now unnecessary and obsolete, and, accordingly they are removed from the regulations.

**Inapplicability of Prior Public Notice and Comment Procedures and Delayed Effective Date**

Because this amendment merely removes obsolete regulations from title 19 of the CFR, CBP has determined, pursuant to the provisions of 5 U.S.C. 553(b)(B), that prior public notice and comment procedures on this regulation are unnecessary and contrary to public interest. For the same reason, pursuant to the provisions of 5 U.S.C. 553(d)(3), there is good cause for dispensing with a delayed effective date.

**The Regulatory Flexibility Act**

This document is not subject to the notice and public procedure requirements of 5 U.S.C. 553, and thus is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

**Executive Order 12866**

These amendments do not meet the criteria for a “significant regulatory action” as specified in Executive Order 12866.

**Signing Authority**

This document is being issued in accordance with 19 CFR 0.1(a)(1).

**List of Subjects**
**19 CFR Part 12**

Customs duties and inspection, Entry of merchandise, Imports, Licensing, Mexico, Reporting and recordkeeping requirements, Trade agreements.

**19 CFR Part 163**

Administrative practice and procedure, Customs duties and inspection, Exports, Imports, Reporting and recordkeeping requirements.

**Amendment to the Regulations**

■ For the reasons stated above, parts 12 and 163 of title 19 of the Code of Federal Regulations (19 CFR parts 12 and 163) are amended as set forth below.

**PART 12—SPECIAL CLASSES OF MERCHANDISE**

■ 1. The general authority citation for part 12 continues to read as follows:

**Authority:** 5 U.S.C. 301; 19 U.S.C. 66, 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States (HTSUS)), 1624;

\* \* \* \* \*

**§ 12.155 [Removed]**

■ 2. The undesignated center heading entitled “Mexican Cement Products” and § 12.155 are removed.

**PART 163—RECORDKEEPING**

■ 3. The authority citation for part 163 continues to read as follows:

**Authority:** 5 U.S.C. 301; 19 U.S.C. 66, 1484, 1508, 1509, 1510, 1624.

**Appendix to Part 163 [Amended]**

■ 4. In the Appendix to Part 163, the listing for § 12.155 under section IV is removed.

**Jayson P. Ahern,**

*Acting Commissioner, Customs and Border Protection.*

Approved: September 21, 2009.

**Timothy E. Skud,**

*Deputy Assistant Secretary of the Treasury.*  
[FR Doc. E9–23157 Filed 9–24–09; 8:45 am]

**BILLING CODE P**

**DEPARTMENT OF HOMELAND SECURITY****Bureau of Customs and Border Protection****DEPARTMENT OF THE TREASURY****19 CFR Part 148**

[CBP Dec. 09–37]

**RIN 1505–AC16**

**Increase in Certain Personal Duty Exemptions Extended to Returning U.S. Residents**

**AGENCIES:** Customs and Border Protection, Department of Homeland Security; Department of the Treasury.

**ACTION:** Final rule.

**SUMMARY:** This document amends title 19 of the Code of Federal Regulations (CFR) by making technical corrections to those regulatory provisions within part 148 that set forth personal duty exemption authority authorized by the Harmonized Tariff Schedule of the United States (HTSUS). These technical corrections are necessary to conform title 19 of the CFR to amendments to the HTSUS effected by section 381 of the Trade Act of 2002 and section 2004(d)(8)(A) and (B) of the Miscellaneous Trade and Technical Corrections Act of 2004, which increased personal duty exemption amounts.

**DATES:** The final rule is effective on September 25, 2009.

**FOR FURTHER INFORMATION CONTACT:** Bernarda Gilbert, Passenger Operations, Office of Field Operations, Customs and Border Protection, (202) 344–2269.

**SUPPLEMENTARY INFORMATION:**

**Background****I. Personal Duty Exemptions**

Generally, when an individual imports merchandise into the United States, the person must pay duty to Customs and Border Protection (CBP) on the goods. The amount of duty payable is determined by the merchandise's classification within the Harmonized Tariff Schedule of the United States (HTSUS).

Under prescribed circumstances, the government permits an exemption from the payment of duty on certain articles imported by or for the account of any person arriving in the United States who is a returning resident of the United States, including American citizens who are residents of American Samoa, Guam, or the U.S. Virgin Islands. Subheadings 9804.00.65, 9804.00.70 and 9804.00.72, HTSUS, with certain limitations and conditions, extend such duty exemptions to articles for personal or household use that are acquired abroad merely as an incident of the foreign journey. The duty exemptions (also known as personal exemptions) provided for in these tariff schedule subheadings specify the aggregate fair retail value of merchandise that a returning resident may bring back to the United States without having to pay duty.

It is noted that although the Commonwealth of the Northern Mariana Islands is not listed in these provisions, pursuant to section 603(c) of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, Public Law 94–241, 90 Stat. 263, 270, goods imported from the Commonwealth of the Northern Marianas are entitled to the same tariff treatment as imports from Guam and are therefore subject to the duty exemptions provided for under these subheadings.

**II. Statutory Amendments**

The Trade Act of 2002 (Pub. L. 107–210, 116 Stat. 933, 19 U.S.C. 3801) and the Miscellaneous Trade and Technical Corrections Act of 2004 (Pub. L. 108–429, 118 Stat. 2598) amended subheadings 9804.00.65, 9804.00.70, and 9804.00.72 of the HTSUS, in pertinent part, regarding the amounts of the duty exemptions, as well as the scope of those provisions. The amendments are as follows:

- Section 381, within Subtitle D of the Trade Act of 2002, amended subheading 9804.00.65, HTSUS, by increasing from \$400 to \$800 the duty exemption accorded articles for personal or household use accompanying returning U.S. residents.

- Section 2004(d)(8)(A) of the Miscellaneous Trade and Technical Corrections Act of 2004 (Pub. L. 108–429, 118 Stat. 2598) amended subheading 9804.00.70, HTSUS, by increasing the duty exemption accorded to articles for personal or household use, whether or not the articles accompany the returning resident, from \$1,200 to \$1,600 in the case of a direct or indirect arrival from American Samoa, Guam, or the Virgin Islands of the United States, not more than \$800 (increased from \$400) of which must have been acquired elsewhere than in such locations (including the Commonwealth of the Northern Mariana Islands, as explained above). The 2004 amendment to subheading 9804.00.70, HTSUS, removed the restriction that “up to \$600” may have been acquired in one or more beneficiary countries.

- Section 2004(d)(8)(B) of the Miscellaneous Trade and Technical Corrections Act of 2004 amended subheading 9804.00.72, HTSUS, by increasing the duty exemption accorded to articles for personal or household use, whether or not accompanying the returning resident, from \$600 to \$800 in the case of a direct arrival from a beneficiary country of the Caribbean Basin Initiative or the Andean Trade Preference Program (*see* U.S. Note 4 to Chapter 98, HTSUS (19 U.S.C. 1202)), and removed the limitation that “not more than \$400 of that amount must have been acquired elsewhere than in beneficiary countries.”

**III. Technical Corrections to the Regulations**

Within part 148 of title 19 of the Code of Federal Regulations (19 CFR), several regulations pertain directly to or reference the duty exemptions set forth in the amended HTSUS subheadings. Technical corrections are necessary to the following regulations to conform them to the increased personal duty exemption amounts set forth in the current HTSUS: §§ 148.12; 148.17; 148.31; 148.32; 148.33; 148.34; 148.35; 148.36; 148.37; 148.38; 148.51; and 148.113.

Sections 148.12(b)(1)(i)(B) and 148.33(a)(2) and (d)(3)(ii) are also amended by removing the reference to “§ 10.191(b)(1) of this chapter” as the source for the definition of “beneficiary country” for purposes of these provisions, and replacing it with a reference to “U.S. Note 4 to Chapter 98 of the Harmonized Tariff Schedule of the United States.” This change is necessary because the definition set forth in 19 CFR 10.191(b)(1) is limited to those countries designated as beneficiary countries in accordance