

authority citation continue to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 2, 66, 1202 (General Note 20, Harmonized Tariff Schedule of the United States), 1623, 1624.

Sections 101.3 and 101.4 also issued under 19 U.S.C. 1 and 58b;

2. Section 101.3(b)(1) is amended by removing the entry for Philadelphia-

Chester, PA and Wilmington, DE under the states of Delaware, New Jersey, and Pennsylvania and adding in appropriate alphabetical order under those states the following entries:

§ 101.3 Customs service ports and ports of entry.

- (b) *List of Ports of Entry and Service Ports.* * * *
- (1) *Customs ports of entry.* * * *

Ports of entry	Limits of port
Delaware	
Wilmington	Included in the Consolidated Port of the Delaware River and Bay described in T.D. 96-4.
New Jersey	
Camden, Gloucester City, and Salem	Included in the Consolidated Port of the Delaware River and Bay described in T.D. 96-4.
Pennsylvania	
Chester	Included in the Consolidated Port of the Delaware River and Bay described in T.D. 96-4.
Philadelphia	Included in the Consolidated Port of the Delaware River and Bay described in T.D. 96-4.

George J. Weise,
Commissioner of Customs.
 Approved: December 13, 1995.
 Dennis M. O'Connell,
Acting Deputy Assistant Secretary of the Treasury.
 [FR Doc. 95-31327 Filed 12-27-95; 8:45 am]
BILLING CODE 4820-02-P

19 CFR Part 101

[T.D. 96-3]

Customs Service Field Organization—Sioux Falls, SD

AGENCY: Customs Service, Treasury.
ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations pertaining to the field organization of Customs by establishing Sioux Falls, South Dakota, as a port of entry. The change is made as part of Customs continuing efforts to obtain more efficient use of its personnel, facilities, and resources and to provide better service to carriers, importers, and the general public.

EFFECTIVE DATE: January 29, 1996.

FOR FURTHER INFORMATION CONTACT: Bob Jones, Office of Field Operations (202-927-0456).

SUPPLEMENTARY INFORMATION:

Background

As part of its continuing efforts to obtain more efficient use of its personnel, facilities, and resources and to provide better service to carriers, importers, and the general public, Customs published a document in the Federal Register (60 FR 52347) on October 6, 1995, proposing to amend § 101.3 of the Customs Regulations (19 CFR 101.3) by establishing a port of entry at Sioux Falls, South Dakota encompassing the counties of Minnehaha and Lincoln in the State of South Dakota.

As the proposal stated, South Dakota presently does not have a port of entry and the Governor of the State of South Dakota requested the establishment of the port of entry in the state. In support of the establishment of the port at Sioux Falls, it was stated to Customs that the port would yield significant immediate and future economic benefits for the State of South Dakota, including the retention and expansion of jobs, the

more efficient transportation of imported and exported merchandise, the opportunity for the establishment of a foreign trade zone, the expanded development of infrastructure within the proposed port area, an enhanced business competitiveness for existing enterprises and the opportunity to encourage new businesses to locate within South Dakota.

As further stated in the proposal, the Customs office within the port of entry would be located at the Joe Foss Field airport in Sioux Falls, which is the largest urban area within the State of South Dakota. It has been represented to Customs that the cost to the Federal Government would only involve the services of one full-time Customs official and therefore would be minimal compared to the significant benefits that port of entry status would impart to the South Dakota business community.

Sioux Falls is located at the junction of two major state interstate highways (Interstate 90 and Interstate 29), is serviced by a major national freight railway company, and is serviced at the Joe Foss Field airport by national passenger and cargo airlines, express air freight services and commuter airlines.

The proposal set forth representations to Customs that the greater metropolitan areas of Sioux Falls has a population of 139,236 based on 1990 census figures and that a population of well over 300,000 exists within a 70-mile radius of Sioux Falls. It was projected that existing businesses would file between 2,709 and 3,253 import entries within the proposed port of entry in the years 1996 through 1998, with no single company accounting for more than half of the projected entries. It was further stated in the request for a port of entry that the Sioux Falls Regional Airport Authority is committed to making optimal use of electronic data transfer capability to permit integration with the Customs Automated Commercial System for processing entries. Regarding the Joe Foss Field airport, it was stated the airport has exceptional cargo and passenger facilities, that passenger areas can be secured to accommodate international arrival passenger clearance, and that there are several warehouse facilities in close proximity to the airport that are suitable for the secure storage of cargo pending inspection and release by Customs. Further, the Sioux Falls Regional Airport Authority committed to providing certain space and equipment to Customs.

Based on the information provided to Customs, the proposal set forth Customs belief that Sioux Falls meets the current minimum criteria for port of entry designation set forth in T.D. 82-37 (47 FR 10137), as revised by T.D. 86-14 (51 FR 4559) and by T.D. 87-65 (52 FR 16328).

Determination

No comments were received in response to the proposal. After further review and consideration by Customs, it has been determined to establish Sioux Falls as a port of entry with port limits as described below. Section 101.3 is amended accordingly. It is noted, however, that because the representations set forth in the proposal rely on potential, rather than actual, workload figures, Customs will in 3 years review the actual workload generated within the port of Sioux Falls to evaluate whether Sioux Falls may retain port of entry status. If that review indicates that the actual workload is below the standard set forth in T.D. 82-37, as revised, procedures will be instituted to revoke port of entry status. Of course, if port of entry status is revoked, the City of Sioux Falls will have the opportunity to apply for user fee airport status under 19 U.S.C. 58b.

Limits of Port of Entry

The geographical limits of the port of entry of Sioux Falls are as follows:
All of Minnehaha and Lincoln Counties in the State of South Dakota.

Regulatory Flexibility Act and Executive Order 12866

Customs routinely establishes, expands, and consolidates Customs ports of entry throughout the United States to accommodate the volume of Customs-related activity in various parts of the country. Although this document was issued for public comment, it is not subject to the notice and public procedure requirements of 5 U.S.C. 553 because it relates to agency management and organization. Accordingly, this document is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Agency organization matters such as this are exempt from consideration under Executive Order 12866.

List of Subjects in 19 CFR Part 101

Customs duties and inspection, Harbors, Organization and functions (Government agencies), Seals and insignia, Vessels.

Amendments to the Regulations

For the reason set forth in the preamble, part 101 of the Customs Regulations is amended as set forth below:

PART 101—GENERAL PROVISIONS

1. The general authority citation for part 101 and specific authority citation for § 101.3 continue to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 2, 66, 1202 (General Note 20, Harmonized Tariff Schedule of the United States), 1623, 1624.

Sections 101.3 and 101.4 also issued under 19 U.S.C. 1 and 58b;

* * * * *

2. Section 101.3(b)(1) is amended by adding the following entry in appropriate alphabetical order:

§ 101.3 Customs service ports and ports of entry.

* * * * *

(b) * * *

(1) * * *

Ports of entry	Limits of port
* * * * *	*
South Dakota	
Sioux Falls	T. D. 96-3
* * * * *	*

Approved: December 1, 1995.

George J. Weise,
Commissioner of Customs.

Dennis M. O'Connell,
Acting Deputy Assistant Secretary of the Treasury.

[FR Doc. 95-31324 Filed 12-27-95; 8:45 am]

BILLING CODE 4820-02-P

19 CFR Part 162

[T.D. 96-2]

RIN 1515-AB62

Seizure of Merchandise

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: In this document, Customs is amending its regulations in response to enactment of the Customs Modernization Act ("The Mod Act"). Among its other provisions, the Mod Act amended Section 596(c) of the Tariff Act of 1930 (19 U.S.C. 1595a(c)) to clarify and codify Customs authority to seize and forfeit merchandise introduced or attempted to be introduced into the United States contrary to law. The Mod Act distinguishes between circumstances under which seizure of such merchandise is mandatory and those in which it is permissive. The amendment follows the legislation and specifies the circumstances under which the mandatory and permissive seizures may take place. The amendment also contains provisions for the detention of merchandise and the remission of articles subject to seizure and forfeiture.

EFFECTIVE DATE: January 29, 1996.

FOR FURTHER INFORMATION CONTACT: Todd Schneider, Penalties Branch (202) 482-6950.

SUPPLEMENTARY INFORMATION:

Background

On December 8, 1993, the President signed the North American Free Trade Agreement Implementation Act (Pub. L. 103-182). The Customs Modernization portion of this Act (Title VI), popularly known as the Customs Modernization Act, or "the Mod Act" became effective when it was signed. Section 624 of Title VI amended section 596(c) of the Tariff Act of 1930 (19 U.S.C. 1595a(c)) to codify and clarify the circumstances under which merchandise may be seized and forfeited by Customs.

On May 3, 1995, Customs published a Notice of Proposed Rulemaking in the Federal Register (60 FR 21788), which proposed amending the Customs Regulations to reflect these statutory