	Non-link	Link	Total

There are insufficient funds available to meet both the non-Link and the Link customer claims in full, and the non-Link shortfall equals the Link shortfall. Each customer will receive 50% of the $200 available, or $100.

7. Shortfall in Link Account Caused by Freeze That Is Subsequently Lifted, Where Non-Link Account Had Actual Shortfall But Link Account Did Not Sub -sequent to Lifting of Freeze Order:

Funds in segregation	100	Frozen	100
Segregation Requirement	150	150	300
Shortfall (dollars)	50	150	.....
Shortfall (percent)	50/150=33.3	150/150=100	.....
Pro Rata (percent)	150/300=50	150/300=50	.....
Pro Rata (dollars)	50	50	.....
Initial Distribution	100	0	100
Freeze Lifted: Funds Previously Frozen	0	150	150
Subsequent Distribution	25	125	.....
Total Distribution	125	125	250

Through the time of the initial distribution, this situation would follow the pattern of Example 4 because the shortfall in the Link account was larger. After the freeze was lifted, it would follow the pattern of Example 2 because the shortfall in the non-Link account was larger.

These examples illustrate the principle that pro rata distribution across both accounts is the preferable approach except when a shortfall in the Link account could harm non-Link customers. Thus, pro rata distribution occurs in Examples 1, 2, 5 and 6. Separate treatment of the Link and non-Link accounts occurs in Examples 3 and 4. In Example 7, separate treatment occurs where the funds are frozen. It is adjusted to become pro rata treatment after the freeze is lifted.

Issued in Washington, D.C. on April 16, 1997 by the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 97–10338 Filed 4–21–97; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 142

RIN 1515–AB27

Publication of Entry Filer Codes

AGENCY: Customs Service, Department of the Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes to amend the Customs Regulations to provide for the annual publication by electronic means of the code assigned by Customs to identify frequent entry filers. This proposal is consistent with the efforts to modernize the Customs Service and the documentation related to imports. The proposal will assist components of the trade industry in controlling import transactions and in serving their clients among the importing public. It is anticipated that, if promulgated as a final rule, the proposal will reduce the paperwork burden on the affected public and the administrative burden on the Customs Service.

DATES: Comments must be received on or before June 23, 1997.

ADDRESSES: Comments (preferably in triplicate) may be addressed to the Regulations Branch, U.S. Customs Service, Franklin Court, 1301 Constitution Avenue, NW, Washington, D.C. 20229, and may be inspected at Franklin Court, 1099 14th Street, NW, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Ray Janiszewski, Office of Trade Compliance, (202) 927–0365 (Operational matters), or Paul Hegland, Entry and Carrier Rulings Branch, Office of Regulations and Rulings, (202) 482–7040 (Legal matters).

SUPPLEMENTARY INFORMATION:

Background

Generally, all merchandise brought into the United States is required to be ''entered'', unless specifically excepted from entry. The entry process consists of the importer of record, using reasonable care: (1) filing with Customs the documentation necessary for Customs to determine whether the merchandise may be released from Customs custody (''an entry'') and (2) completing the entry by filing the declared value, classification and rate of duty applicable to the merchandise, and such other information or documentation as is necessary to enable Customs to properly assess duties on the merchandise, collect accurate statistics with regard to the merchandise, and determine whether any other applicable requirement of the law is met (''an entry summary''). Generally, an entry is required within 5 working days after the arrival of the importing conveyance. The person making entry (by filing the required documentation) is required by law to be the owner or purchaser of the merchandise or, if appropriately designated by the owner, purchaser, or consignee of the merchandise, a licensed customs broker.

As a part of its Automated Commercial System (ACS), Customs assigns a unique 3 character (alphabetic, numeric, or alpha numeric) entry filer code to all licensed broker companies filing Customs entries and to certain other importers filing Customs entries, based on the volume and frequency of filing and other considerations. These entry filer codes are not assigned to intermittent importers, who obtain from Customs forms with Customs-assigned pre-printed entry numbers. The entry filer is required to place the filer code, along with a unique (to each entry) number and a check digit on each entry. This entry number (consisting of 11 characters) is used by Customs and the importer to identify the particular entry. This procedure of assigning entry filer codes was implemented in the Customs Regulations (see 19 CFR 142.3a) by Treasury Decision (T.D.) 86–106, published in the **Federal Register** on May 28, 1986 (51 FR 19166).

Entries of merchandise are reviewed by Customs. Under the law, Customs is responsible for fixing the final appraisement of the merchandise and the determination of applicable duty and admissibility. ''Liquidation'' is the final determination by Customs on the dutiability and admissibility of imported merchandise. Customs is required by law to give notice of liquidation to the importer, his consignee, or agent, as prescribed by regulations. The pertinent regulations require this notice to be made on a bulletin notice of liquidation, Customs Form 4333 (19 CFR 159.9).

The importer of record is named on the bulletin notice of liquidation for each entry (the entry is listed by number). As noted above, after the implementation in the Customs Regulations in 1986 of Customs procedures for the assignment of entry filer codes, the entry filer code in each entry identifies the entry filer.

On January 13, 1993, in a document published in the **Federal Register** (58 FR 4113), Customs announced in an Advance Notice of Proposed Rulemaking (ANPRM) that it was considering the amendment of the Customs Regulations to provide for the publication of a list of filer codes and the identity of the individuals, licensed Customs brokers, or importers assigned the specific filer codes. Customs stated that this action would improve control for various components of the trade community and reduce numerous questions and problems for Customs relating to entry processing requirements. Customs noted that publication of the filer codes with the persons assigned the codes might be considered to provide a means for the public to gain access to commercial information regarding import transactions which Customs had heretofore treated as confidential. This publication of filer codes will also enable brokers to identify those importers who are not using their services.

Revised Policy Regarding Confidential Treatment

The Advance Notice of Proposed Rulemaking solicited comments. Twenty letters were received, many of them setting forth similar comments. Several of the comments received addressed Customs policy providing for confidentiality of filer codes as set forth in T.D 88–38. The comments have caused Customs to review and examine this policy. This review has led Customs to revise its position so that the current position that Customs holds is that filer code information should be considered public information. Customs has reached this determination after a comprehensive review of the overall operational situation in the commercial environment. In this review, Customs found that in spite of its attempts to protect the identities of importers, there were many instances where this effort had been compromised and the identities of importers and their filer codes are readily available to those who might be seeking such information. Because of the general availability of this information in the commercial arena, Customs does not believe that a continuation of its efforts to treat the information as confidential is either necessary or warranted. Customs believes that the comments received from brokers and carriers indicate that the benefits claimed by giving broader dissemination of the information support the proposal to publish the filer codes. Customs believes that the concerns expressed by commenters in regard to the need to treat filer code information as confidential are not warranted. Because of this policy determination, it is Customs intention to revoke that portion of T.D. 88–38 which provides for confidential treatment of filer codes upon the request of an importer if the accompanying proposed rule is finalized.

Discussion of Comments

The following is a summary discussion of additional comments which were received by Customs in response to the Advanced Notice of Proposed Rulemaking, and Customs response to those comments.

Comment: The Customs brokers and the brokers association who commented supported the proposal, stating that identifying filers with filer codes would assist brokers in helping members of the public who use multiple brokers and in re-routing documentation and inquiries which have been incorrectly routed. One of these commenters suggested that publication should be through Customs Automated Commercial System (ACS), with provision made for release of the information to those who do not have access to ACS by Freedom of Information Act request. This commenter suggested this means of publication in lieu of publication in the Customs Bulletin.

Response: Customs agrees with the reasons given for support of the proposal, as consistent with the reasons given in the advance notice. As for the suggestion on the means of publication of the filer code information, there is not currently a program supported in ACS for such publication. Consideration will be given to developing such a capability in ACS if sufficient interest is shown. For the present, Customs is proposing publication of the filer code information on the Customs Electronic Bulletin Board.

Comment: The carriers and carrier associations who commented supported the proposal. One reason given for support was that carriers need this information to assist in the cargo release process (i.e., carriers could clear up discrepancies much more rapidly if they could more easily identify the parties involved). Another reason was that the information provided under the proposal would enable carriers to complete the manifest requirements, particularly carriers who are a part of Customs Automated Manifest System (AMS) (i.e., in that a carrier could more easily identify and contact a filer in the event of a discrepancy).

Response: Customs agrees. This is consistent with the reasons given for the proposal in the advance notice.

Comment: The sureties and surety associations who commented supported the proposal, on the basis that it will help automation and would enable sureties to more efficiently contact ''brokers of record'' in the event of discrepancies.

Response: Customs agrees. This is consistent with the reasons given for the proposal in the advance notice.

Comment: A trade association supported the proposal, on the basis that it would contribute significantly to the simplification of U.S. trade documentation.

Response: Customs agrees. This is consistent with the reasons given for the proposal in the advance notice.

Comment: A government agency supported the proposal, on the basis that it could use the information which would be provided under the proposal to obtain the status of a filer's entry and to communicate with the filer.

Response: Customs agrees. This is consistent with the reasons given for the proposal in the advance notice.

Comment: An association representing Customs bonded warehouses supported the proposal, on the basis that it would help warehouse proprietors to supply missing information or correct errors and to avoid liquidated damages on warehouse custodial bonds. On the issue of confidentiality, the commenter stated that it sees no difference between the proposed publication and that of the names of operators of bonded warehouses.

Response: Customs agrees with the reasons given for support of the proposal, as being consistent with the reasons given for the proposal in the advance notice. Customs has addressed that portion of the comment concerning confidentiality earlier in this document.

Comment: Three trade or industry associations either conditionally supported the proposal or did not object to it, provided that filers who desired confidentiality could request it. The commenters suggested the use of a procedure similar to the provision requesting confidential treatment of manifest information in 19 CFR 103.14(d). The reason given by one of these associations for its conditional support of the proposal was that it

would facilitate movement of cargo and could reduce costs.

Response: Customs agrees with the reason given for support of the proposal, as being consistent with the reasons given for the proposal in the advance notice. As to the suggestion that filers who desired confidentiality should be able to request such treatment, similar to the provision for parties requesting confidential treatment of manifest information, Customs finds this suggestion to be without merit. It is Customs position that the filer codes are public information and, as such, cannot be accorded confidential treatment.

Comment: Three importers either opposed the proposal or suggested that its implementation be delayed. The reasons given for opposition to, or the delay of, the proposal were that the proposal would result in the disclosure of confidential business information and that no good reason was given for the proposal.

Response: Customs believes that good reasons were given in the advance notice for this proposal, and that the reasons set forth in comments received from Customs brokers, carriers and sureties supporting the proposal provide further support for the proposal. Regarding the confidentiality issue, as indicated above, Customs believes that the filer code information is not confidential.

Proposal

After reviewing the comments to the ANPRM and further consideration, Customs has determined to proceed with the proposal to amend the regulations to provide for the annual publication of the identity of the code assigned by Customs to identify frequent entry filers on the Customs Electronic Bulletin Board, without providing for confidential treatment of filer identity.

Comments

Before adopting this proposal, consideration will be given to any written comments (preferably in triplicate) that are 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, Treasury Department Regulations (31 CFR 1.4), and § 103.11(b), Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations Branch, U.S. Customs Service, Franklin Court, Suite 4000, 1099 14th Street, NW, Washington, D.C.

Executive Order 12866

This document does not meet the criteria for a ''significant regulatory action'' as specified in E.O. 12866.

Regulatory Flexibility Analysis

Because adoption of the proposed amendment will improve access to frequently needed information for the commercial community without any action on its part, pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), it is certified that the proposed amendment, if adopted, will not have a significant economic impact on a substantial number of small entities. Accordingly, it is not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

List of Subjects in 19 CFR Part 142

Customs duties and inspection, Imports, Reporting and recordkeeping requirements.

Proposed Amendment

It is proposed to amend Part 142, Customs Regulations (19 CFR Part 142), as set forth below:

PART 142—ENTRY PROCESS

1. The authority citation for Part 142, Customs Regulations (19 CFR Part 142), continues to read as follows:

Authority: 19 U.S.C. 66, 1448, 1484, 1624.

2. It is proposed to amend § 142.3a by redesignating paragraphs (c) and (d) as paragraphs (d) and (e), respectively, and by adding a new paragraph (c) to read as follows:

§ 142.3a Entry numbers.

* * * * *

(c) *Publication of Entry Filer Codes.* The Customs Service shall make available annually by electronic means on the Customs Electronic Bulletin Board a listing of filer codes and the importers, consignees, and Customs brokers assigned those filer codes.

* * * * *

George J. Weise,

Commissioner of Customs.

Approved: November 22, 1996.

Dennis M. O'Connell,

Acting Deputy Assistant Secretary of the Treasury.

[FR Doc. 97–10273 Filed 4–21–97; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Parts 202, 206, and 211

RIN 1010–AC02

Amendments to Gas Valuation Regulations for Federal Leases

AGENCY: Minerals Management Service, Interior.

ACTION: Notice withdrawing proposed rulemaking and requesting comments on supplemental information.

SUMMARY: The Minerals Management Service (MMS) is withdrawing its proposed rulemaking to amend the regulations for valuing natural gas produced from Federal leases for royalty purposes. MMS also is requesting comments on supplemental options for valuation.

DATES: Written comments must be received on or before June 23, 1997.

ADDRESSES: Comments should be sent to: David S. Guzy, Chief, Rules and Publications Staff, Royalty Management Program, Minerals Management Service, P.O. Box 25165, MS 3101, Denver, Colorado 80225–0165; courier delivery to Building 85, Denver Federal Center, Denver, Colorado 80225; or e-Mail David__Guzy@smtp.mms.gov.

FOR FURTHER INFORMATION CONTACT: David S. Guzy, Chief, Rules and Publications Staff, Telephone (303) 231–3432, FAX (303) 231–3194, e-Mail David__Guzy@smtp.mms.gov.

SUPPLEMENTARY INFORMATION: On November 6, 1995, MMS published a proposed rule that would amend the regulations governing the valuation of natural gas produced from Federal leases (60 FR 56007). The proposed amendments reflected the consensus recommendations of the Federal Gas Valuation Negotiated Rulemaking Committee (Committee), which the Secretary chartered on June 27, 1994, to resolve many issues facing the valuation of Federal gas. Through the consensus negotiated rulemaking process, the Committee attempted to develop alternative royalty valuation methodologies that would simplify the gas royalty valuation process but would not have a significant impact on gas royalty collections.

The recommendations and subsequent proposed amendments the Committee developed would have allowed lessees to choose from several options for valuing gas for royalty purposes, including, for example, index prices published in natural gas newsletters, affiliated companies' arm's-