

County, northern Mississippi. The port extension is being proposed in order to facilitate economic development in northern Mississippi, and to provide convenience and improved service to carriers, importers, and the general public.

**DATES:** Comments must be received on or before March 15, 2004.

**ADDRESSES:** Comments must be submitted to the Bureau of Customs and Border Protection, Office of Regulations and Rulings, (Attention: Regulations Branch), 1300 Pennsylvania Avenue, NW., Washington, DC 20229. Submitted comments may be inspected at the CBP, 799 9th Street, NW., Washington, DC during regular business hours.

Arrangements to inspect submitted comments should be made in advance by calling Mr. Joseph Clark at 202-572-8768.

**FOR FURTHER INFORMATION CONTACT:** Dennis Dore, Office of Field Operations, 202-927-6871.

**SUPPLEMENTARY INFORMATION:**

**Background**

The Bureau of Customs and Border Protection (CBP) is proposing to extend the port limits of the port of Memphis, to include all of the territory within the limits of DeSoto County, northern Mississippi, as described below. Recently, northern Mississippi has experienced marked business expansion and population growth. Currently, businesses located in northern Mississippi utilize the nearest port of entry at Memphis, Tennessee, and the port limits of Memphis do not extend beyond the Tennessee border. The proposed extension of the port limits to include the specified territory will facilitate economic development in northern Mississippi, and provide convenience and improved service to carriers, importers, and the general public.

**Current Port Limits of Memphis, Tennessee**

The current port limits of Memphis, Tennessee are described as follows in Treasury Decision (T.D.) 84-126 of May 14, 1984:

[T]he corporate limits of the city of Memphis, Tennessee\* \* \* [and] all of the territory within the limits of Shelby County, Tennessee.

**Proposed Port Limits of Memphis, Tennessee**

CBP proposes to extend the port limits of the port of Memphis, Tennessee, to include DeSoto County, Mississippi so that the description of the port limits would read as follows:

The city limits of Memphis, Tennessee and all of the territory within the limits of Shelby County, Tennessee and DeSoto County, Mississippi.

**Proposed Amendment to Customs Regulations**

If the proposed port limits are adopted, CBP will amend § 101.3(b)(1), Customs Regulations (19 CFR 101.3(b)(1)) to reflect the new boundaries of the Memphis port of entry.

**Authority**

This change is proposed under the authority of 5 U.S.C. 301 and 19 U.S.C. 2, 66 and 1624.

**Signing Authority**

The document is being issued in accordance with section 0.2(a) of the Customs Regulations (19 CFR 0.2(a)).

**Comments**

Before adopting this proposal, consideration will be given to any written comments that are timely submitted to CBP. All such comments received from the public, pursuant to this notice of proposed rulemaking, will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552) and section 103.11(b), Customs Regulations (19 CFR 103.11(b)), during regular business days between the hours of 9 a.m. and 4:30 p.m. at the Regulations Branch, Office of Regulations and Rulings, Customs and Border Protection, Department of Homeland Security, 799 9th Street, NW., Washington, DC.

**Regulatory Flexibility Act and Executive Order 12866**

CBP establishes, expands and consolidates CBP ports of entry throughout the United States to accommodate the volume of CBP-related activity in various parts of the country. Thus, although this document is being issued with notice for public comment, because it relates to agency management and organization, it is not subject to the notice and public procedure requirements of 5 U.S.C. 553. 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 proposed port extension are exempt from consideration under Executive Order 12866.

**Drafting Information**

The principal author of this document was Isaac D. Levy, Regulations Branch, Office of Regulations and Rulings, CBP.

However, personnel from other offices participated in its development.

Dated: January 9, 2004.

**Robert C. Bonner,**  
*Commissioner, Customs and Border Protection.*

**Tom Ridge,**  
*Secretary, Department of Homeland Security.*  
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**DEPARTMENT OF HOMELAND SECURITY**

**Bureau of Customs and Border Protection**

**19 CFR Part 162**

**RIN 1651-AA48**

**Publication of Administrative Forfeiture Notices**

**AGENCY:** Bureau of Customs and Border Protection, Homeland Security.

**ACTION:** Proposed rule.

**SUMMARY:** The Customs Regulations set forth the procedure that the Bureau of Customs and Border Protection (CBP) must follow in administrative forfeiture proceedings, as required by section 607 of the Tariff Act of 1930, as amended. The statutory language allows for administrative forfeiture when CBP seizes: A prohibited importation; a transporting conveyance if used to import, export, transport or store a controlled substance or listed chemical; any monetary instrument within the meaning of 31 U.S.C. 5312(a)(3); or any conveyance, merchandise or baggage for which its value does not exceed \$500,000.

If the value of the seized property exceeds \$2,500, the current regulations require CBP to publish notice of seizure and intent to forfeit in a newspaper circulated at the Customs port and in the judicial district where the seizure occurred. When the value of the seized property does not exceed \$2,500, CBP may publish the notice by posting it in a conspicuous place accessible to the public at the customhouse nearest the place of seizure.

This document proposes to amend the Customs Regulations by raising the threshold value of seized property for which CBP must publish a notice in a newspaper from \$2,500 to \$5,000. By changing the requirements for publication of administrative forfeiture notices, the proposed amendment would significantly reduce the publication costs incurred by CBP, which have often exceeded the value of seized property.

**DATES:** Comments must be received by March 15, 2004.

**ADDRESSES:** Written comments (preferably in triplicate) may be addressed to the Regulations Branch, Office of Regulations and Rulings, Bureau of Customs and Border Protection, 1300 Pennsylvania Avenue, NW., Washington, DC 20229. Comments submitted may be inspected at the Regulations Branch, Office of Regulations and Rulings, Bureau of Customs and Border Protection, 799 9th Street, NW., 5th Floor, Washington, DC. Arrangements to inspect submitted comments should be made in advance by calling Mr. Joseph Clark at (202) 572-8768.

**FOR FURTHER INFORMATION CONTACT:** Greg Olsavsky, Chief, Fines Penalties & Forfeitures Branch, (202) 927-3119.

**SUPPLEMENTARY INFORMATION:**

**Background**

Section 162.45 of the Customs Regulations (19 CFR 162.45) sets forth the procedure that the Bureau of Customs and Border Protection (CBP) must follow when it seizes and gives notice of intent to forfeit property under administrative forfeiture proceedings, as required by section 607 of the Tariff Act of 1930, as amended (19 U.S.C. 1607). The statutory language allows for administrative forfeiture when CBP seizes (1) a prohibited importation; (2) a transporting conveyance if used to import, export, transport or store a controlled substance or listed chemical; (3) any monetary instrument within the meaning of 31 U.S.C. 5312(a)(3); or (4) any conveyance, merchandise or baggage for which its value does not exceed \$500,000.

Specifically, current § 162.45(b), Customs Regulations, addresses publication of notices under administrative forfeiture proceedings. If the value of the seized property exceeds \$2,500, paragraph (b)(1) requires publication of administrative forfeiture notices in a newspaper circulated at the Customs port and in the judicial district where the seizure occurred. All known parties-in-interest are notified of the newspaper and expected dates of publication of the notice.

It is proposed to amend § 162.45(b)(1) to raise the value threshold of property for which CBP must publish an administrative forfeiture notice in a newspaper from \$2,500 to \$5,000.

When the value of the seized property does not exceed \$2,500, current paragraph (b)(2) of § 162.45 allows CBP to publish a notice of seizure and intent to forfeit by posting it in a conspicuous place accessible to the public at the

customhouse nearest the place of seizure. If the proposed amendment to paragraph (b)(1) is adopted, the applicability of paragraph (b)(2) would be automatically expanded to seizures of property valued under \$5,000.

CBP last changed the regulation in 1985, when it increased the dollar threshold from \$250 to \$2,500. Since then, inflation has often caused the costs of publication in large metropolitan areas to exceed \$2,500. Thus, in many cases the publication costs can be prohibitive when compared to the value of the property advertised.

If implemented, the proposed change to the regulations would result in estimated yearly savings of at least \$147,000, based on FY 2002 expenditure levels.

**Comments**

Before adopting this proposed regulation as a final rule, consideration will be given to any written comments timely submitted to CBP, including comments on the clarity of this proposed rule and how it may be made easier to understand. Comments submitted will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552) and § 103.11(b), Customs Regulations (19 CFR 103.11(b)), on normal business days between the hours of 9 a.m. and 4:30 p.m. at the Regulations Branch, Office of Regulations and Rulings, Bureau of Customs and Border Protection, 799 9th Street, NW., 5th Floor, Washington, DC. Arrangements to inspect submitted comments should be made in advance by calling Mr. Joseph Clark at (202) 572-8768.

**Regulatory Flexibility Act and Executive Order 12866**

CBP does not anticipate that the proposed amendment will have an impact on private parties, as it pertains to the agency's internal operating procedures. For that reason, it is certified that the proposed amendment, if adopted, will not have a significant economic impact on a substantial number of small entities, pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Accordingly, it is not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

For the same reasons, this document does not meet the criteria for a "significant regulatory action" as specified in E.O. 12866.

**Drafting Information**

The principal author of this document was Mr. Fernando Pena, Office of

Regulations and Rulings, Customs and Border Protection. However, personnel from other Bureau offices participated in its development.

**Signing Authority**

This regulation is being issued in accordance with 19 CFR 0.1 (b)(1).

**List of Subjects in 19 CFR Part 162**

Administrative practice and procedure, Customs duties and inspection, Drug traffic control, Exports, Imports, Inspection, Law enforcement, Penalties, Prohibited merchandise, Restricted merchandise, Reporting and recordkeeping requirements, Search warrants, Seizures and forfeitures.

**Proposed Amendment to the Regulations**

For the reasons stated above, it is proposed to amend part 162 of the Customs Regulations (19 CFR part 162) as set forth below.

**PART 162—INSPECTION, SEARCH, AND SEIZURE**

1. The general authority citation for part 162 and the specific authority citation for § 162.45 continue to read as follows:

**Authority:** 5 U.S.C. 301; 19 U.S.C. 66, 1592, 1593a, 1624.

\* \* \* \* \*

Section § 162.45 also issued under 19 U.S.C. 1607, 1608.

\* \* \* \* \*

**§ 162.45 [Amended]**

2. It is proposed to amend the first sentence of paragraph (b)(1) of § 162.45 by removing the monetary amount "\$2,500" and adding in its place "\$5,000".

Dated: January 8, 2004.

**Robert C. Bonner,**

*Commissioner, Customs and Border Protection.*

[FR Doc. 04-724 Filed 1-13-04; 8:45 am]

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**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**24 CFR Part 1000**

[Docket No. FR-4676-N-12]

**Native American Housing Assistance and Self-Determination Negotiated Rulemaking Committee; Meeting**

**AGENCY:** Office of the Assistant Secretary for Public and Indian Housing, HUD.