

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;

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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
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Approved: December 1, 1995.

George J. Weise,

Commissioner of Customs.

Dennis M. O'Connell,

Acting Deputy Assistant Secretary of the Treasury.

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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