

**Inapplicability of the Regulatory Flexibility Act and Executive Order 12866**

Pursuant to provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), it is certified that, if adopted, the proposed amendment will not have a significant economic impact on a substantial number of small entities. The proposed amendment provides for the expeditious processing of certain conveyances at designated locations within a port of entry or at Customs stations designed to best provide inspection services for the identified conveyances, and concerns issues of public health and safety. Accordingly, the proposed amendment is not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604. This amendment does not meet the criteria for a "significant regulatory action" as specified in Executive Order 12866.

Drafting Information: The principal author of this document was Gregory R. Vilders, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices participated in its development.

**List of Subjects in 19 CFR Part 123**

Administrative practice and procedure, Canada, Common carriers, Customs duties and inspection, Entry of merchandise, Imports, International boundaries (Land border), Mexico, Reporting and recordkeeping requirements.

**Proposed Amendments to the Regulations**

For the reasons stated above, it is proposed to amend Part 123 of the Customs Regulations (19 CFR part 123), as set forth below:

**PART 123—CUSTOMS RELATIONS WITH CANADA AND MEXICO**

1. The authority citation for Part 123 continues to read in part as follows:

**Authority:** 19 U.S.C. 66, 1202 (General Note 20, Harmonized Tariff Schedule of the United States (HTSUS)), 1431, 1433, 1624; Section 123.1 also issued under 19 U.S.C. 1459;

\* \* \* \* \*

2. In § 123.1, paragraph (b) is amended by adding two new sentences after the first sentence to read as follows:

**§ 123.1 Report of arrival from Canada or Mexico and permission to proceed.**

\* \* \* \* \*

(b) *Vehicles.* \* \* \* A port director, for good cause such as reducing traffic congestion or to protect public health

and safety, may require certain types of vehicles or vehicles carrying certain types of merchandise to enter only at specified border crossing points within the jurisdiction of the port director. The port director shall communicate this requirement to the public by means of local instructions, as provided in paragraph (d) of this section. \* \* \*

\* \* \* \* \*

**George J. Weise,**  
*Commissioner of Customs.*

Approved: September 24, 1997

**John P. Simpson,**  
*Deputy Assistant Secretary of the Treasury.*  
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**INTERNATIONAL TRADE COMMISSION**

**19 CFR Part 201**

**Revision of Public Notice, Freedom of Information Act, and Privacy Act Regulations, and Implementation of Electronic Freedom of Information Act Amendments of 1996**

**AGENCY:** International Trade Commission.

**ACTION:** Notice of proposed rulemaking and request for comments.

**SUMMARY:** The United States International Trade Commission (Commission) proposes to amend its rules of practice and procedure to make certain changes to rules relating to public notices, availability of information under the Freedom of Information Act (FOIA), and safeguarding of individual privacy under the Privacy Act of 1974 (Privacy Act). The intended effect of the changes is to implement the Electronic Freedom of Information Act Amendments of 1996 and otherwise to bring the rules into conformity with current Commission practices and procedures, and with current costs of providing services.

**DATES:** Comments must be submitted on or before December 17, 1997.

**ADDRESSES:** Written comments (original and 14 copies) concerning these proposed rule amendments may be submitted to the Secretary, U.S. International Trade Commission, 500 E. Street, SW, Washington, DC 20436.

**FOR FURTHER INFORMATION:** For further information contact the following persons in the Commission's Office of General Counsel: For the proposed Privacy Act and public notice rules amendments, Paul R. Bardos, telephone 202-205-3102; and for the proposed FOIA rules amendments, William W.

Gearhart, telephone 202-205-3091. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal at (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** Section 335 of the Tariff Act of 1930 (19 U.S.C. 1335) authorizes the Commission to adopt such reasonable procedures and rules and regulations as it deems necessary to carry out its functions and duties.

**Public Notices**

Commission rule § 201.10, which relates to public notices, currently provides that the Commission, *inter alia*, will publish a notice for every properly filed document that it receives, and that the Commission will furnish an announcement regarding notices to the Treasury Department for publication in *Treasury Decisions* and to the Department of Commerce for publication in *International Commerce*. The Commission seeks to bring the rule into conformity with current agency practice and eliminate both requirements. Because the Commission believes that it would be wasteful and unnecessary to provide public notice for every document filed, agency practice has been to not issue such notices. Nevertheless, the Commission will retain the discretion to provide public notification of properly filed documents as appropriate. The Commission no longer furnishes announcements of all public notices to Treasury and Commerce for further publication by those agencies and the agencies have not objected.

**Freedom of Information Act**

The Commission's Freedom of Information Act rules are set forth in subpart C of part 201 (currently 19 CFR 201.17 through 201.21). The Commission proposes to amend §§ 201.17, 201.18, and 201.20 to provide for expedited treatment of certain FOIA requests (as required by the Electronic Freedom of Information Act Amendments of 1996 (Pub.L. 104-231)), adjust its charges for search, review, and computer time to reflect current agency staff salary levels, and make certain other changes to clarify and update the rules.

More specifically, the Commission proposes to reorganize and amend § 201.17 of its rules to provide, in new paragraph (b), for expedited processing of FOIA requests under certain circumstances. The Commission also proposes to amend paragraph (a) of § 201.17 to state that FOIA requests will be processed in the order in which they