

Functions and Establishment of Responsibilities Relating to the Institute of American Indian Arts," dated November 25, 1992, is superseded.

8. *Expiration Date.* This Directive expires three years from the date of issuance unless superseded or cancelled prior to that date.

9. *Office of Primary Interest.* Office of the Deputy CFO, Office of the Assistant Secretary for Management & CFO.

George Muñoz,

Assistant Secretary for Management & CFO.

[FR Doc. 96-11672 Filed 5-9-96; 8:45 am]

BILLING CODE 4810-25-P

[Treasury Order Number 102-17]

Delegation of Authority Concerning the Personnel Security Program

May 2, 1996.

By virtue of the authority vested in the Secretary of the Treasury, including the authority vested by 31 U.S.C. 321(d), it is ordered that:

1. The Department shall maintain a personnel security program to fulfill the responsibilities imposed by 5 U.S.C. 7531-7533; Executive Order (E.O.) 12968, "Access to Classified Information," dated August 2, 1995; E.O. 10450, "Security Requirements for Government Employees," dated April 27, 1953, as amended; and any other applicable authorities. The program shall be applicable throughout the Department.

2. The Assistant Secretary for Management & CFO is delegated the authority of the Secretary to exercise and perform all duties, rights, powers, and obligations under the above-referenced authorities. This delegation includes making all determinations and appointments and issuing any regulations required to implement the Department's personnel security program, except for any matter in which, by law, executive order, or regulation of outside agencies, the personal decision of the head of the agency or principal deputy is required.

3. The Assistant Secretary for Management & CFO is designated pursuant to Section 6.1 of E.O. 12968 as the Senior Agency Official to direct and administer the Department's personnel security program.

4. The responsibilities of the Special Assistant to the Secretary (National Security) continue uninterrupted and are not affected by this Order.

5. The authority delegated by this Order may be redelegated.

Robert E. Rubin,

Secretary of the Treasury.

[FR Doc. 96-11673 Filed 5-9-96; 8:45 am]

BILLING CODE 4810-25-P

Customs Service

Announcement of National Customs Automation Program Test Regarding Reconciliation

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: General notice.

SUMMARY: This notice announces Customs plan to conduct a voluntary prototype test regarding reconciliation. This reconciliation test will cover entries to which antidumping and countervailing duties apply. This notice invites public comments concerning any aspect of the planned test, informs interested members of the public of the eligibility requirements for voluntary participation in the testing of this prototype, and describes the basis on which Customs will select participants.

EFFECTIVE DATES: The test of this prototype will commence no earlier than July 9, 1996. This test will end when liquidation or reliquidation of all Reconciliations has become final. Comments concerning the methodology of this prototype must be received on or before June 10, 1996. To participate in this prototype test, the necessary information, as outlined in this notice, must be filed with Customs on or before June 10, 1996.

ADDRESSES: Written comments regarding this notice, and information submitted to be considered for voluntary participation in this prototype should be addressed to Reconciliation Prototype Team, U.S. Customs Service, 1301 Constitution Avenue, N.W., Room 1322, Washington, D.C. 20229-0001.

FOR FURTHER INFORMATION CONTACT: For questions on reconciliation: Rychelle Ingram (202) 927-1131.

For questions on Antidumping and Countervailing duties: Frank Crowe (202) 927-0402.

SUPPLEMENTARY INFORMATION:

Background

Title VI of the North American Free Trade Agreement Implementation Act (the Act), Public Law 103-182, 107 Stat. 2057 (December 8, 1993), contains provisions pertaining to Customs Modernization (107 Stat. 2170). Subtitle B of Title VI establishes the National Customs Automation Program (NCAP)—

an automated and electronic system for the processing of commercial importations. Section 637 of the Act amends Section 484 of the Tariff Act of 1930 by establishing a new subsection (b) entitled "Reconciliation."

Reconciliation is a planned component of the NCAP. Section 631 authorizes tests of planned NCAP components. Section 101.9(b) of the Customs Regulations (19 CFR 101.9(b)), implements the testing of NCAP components. See T.D. 95-21 (60 FR 14211, March 16, 1995). This test is established pursuant to those regulations.

Previous NCAP initiatives include Customs prototype of remote location filing (60 FR 17605), and the announcement of a reconciliation prototype for related party importers making upward adjustments to the price of imported merchandise, pursuant to 26 U.S.C. 482. (60 FR 46141 and 60 FR 64470.)

I. Description of Proposed Test

The Concept of Reconciliation

Reconciliation will allow an importer to provide Customs with information (other than that related to the admissibility of merchandise), which is not available at the time of entry summary filing, at a subsequent time. A notice of intention to file a Reconciliation ("Notice of Intent") permits the liquidation of an entry as to all issues other than those which are transferred to the Reconciliation. By filing a Notice of Intent, an importer is requesting that a certain issue be separated from the entry. The importer voluntarily requests and accepts that the issue identified in the Notice of Intent remains open and outstanding and is transferred to the Reconciliation. In this prototype, the issue of liability for antidumping and countervailing duties (AD/CVD) will be transferred to the Reconciliation. This permits Customs to liquidate the underlying entry as to the other issues, e.g., classification, but the issue of liability for AD/CVD is held open at the request of the importer, and is transferred to the Reconciliation.

Upon liquidation of the entry, any decision by Customs entering into that liquidation, e.g., classification, may be protested pursuant to 19 U.S.C. 1514. When the outstanding information, e.g., final antidumping duty owed as per the assessed rate, is later furnished in the Reconciliation, the Reconciliation may be liquidated. The Reconciliation will operate as an entry for purposes of liquidation and protest of the issue in the Reconciliation. The liquidation of the Reconciliation may be protested but

the protest may only pertain to elements contained in the liquidated Reconciliation, i.e., the protest may not re-visit elements previously liquidated in the entry.

The Reconciliation shall be filed within 90 days of posting of liquidation instructions by the Customs Service. Customs posting of the liquidation instructions will serve as the notice to the importer by the Customs Service that a period of review for antidumping or countervailing duty purposes has been completed. Consequently, because the Reconciliation is filed after the suspension of liquidation has been lifted, the liquidation of the Reconciliation is subject to 19 U.S.C. 1504(a), but not subject to 19 U.S.C. 1504(d).

Description of the Reconciliation Prototype

This prototype will commence no sooner than July 9, 1996. Customs would like to afford the opportunity to participate to all those who volunteer for this test. However, the number of participants may be limited in view of the fact that this prototype will be conducted with minimal computer changes, requiring Customs to manually intervene in tracking and processing. While all interested parties are encouraged to apply for participation, Customs, in conjunction with the Department of Commerce (DOC), will specifically be targeting those AD/CVD cases for which liquidation instructions will be issued in the short term. All procedures and processes will be closely coordinated with the selected and affected parties. The purpose of this prototype is to test such operational issues as establishment of the Notice of Intent, liquidation of the underlying entry summaries, and processing and liquidation of the Reconciliation.

This prototype will cover entries to which antidumping and countervailing duties apply. As required by Section 637 of the Act, Customs has coordinated with the DOC in the development of this test, and will continue to consult with the DOC throughout the test.

There are several reasons Customs has selected AD/CVD for this reconciliation prototype. First, this test can be initiated prior to having full computer mainframe programming, partially due to the fact that drawback cannot be claimed on AD/CVD duties. In addition, Customs will no longer have to suspend liquidation as to all issues affecting the entry until final instructions have been issued for all AD/CVD cases on the entry. Faster processing of refunds will result in a cash-flow benefit to importers. Should the AD/CVD

assessment result in an increase due Customs, faster processing will enable the government to collect duties more timely. As intended by the Act, liquidation of the non-reconciliation issues on the subject entries will result in a reduction of contingent liabilities for the importer. Finally, this prototype will result in a workload savings for the government. Of all entries currently being withheld from liquidation, 75% are suspended for pending AD/CVD cases. Reconciliation provides Customs with the authority to liquidate the underlying entries as to all issues other than the liability for the AD/CVD case, which is identified by the importer in the Notice of Intent, and at his request, transferred to the Reconciliation. By submitting a Notice of Intent, an importer is requesting that the issue of liability for AD/CVD remain open and be transferred to the Reconciliation.

There are various situations which lend themselves to this prototype, including (1) entries having one AD/CVD case, for which the importer wants to reduce its contingent liabilities and leave only the AD/CVD case open on the Reconciliation, and (2) entries having multiple AD/CVD cases, one or more of which has been terminated, or one or more of which has had liquidation instructions issued. Also, parties who have drawback claims against import entries that are suspended for AD/CVD will expedite the liquidation of their drawback entries if they use this prototype to transfer the AD/CVD issue off the import entries.

The following is an example of a situation which would benefit from this prototype. Importer X has 800 entries filed in the port of Cleveland, all of which have merchandise which is subject to three antidumping cases. The DOC has previously provided Customs with liquidation instructions on two of the cases, each having an assessed rate lower than the deposit rate. As a result, Customs owes importer X refunds based on the results of the two cases. However, the 800 entries presently must continue to be suspended from liquidation, pending instructions on the third case. No money is refunded until the entries can be liquidated. In the case of a separate Notice of Intent being filed for each of the three cases, Customs is capable of isolating each case on a single Reconciliation and liquidating the underlying entries as to the other issues. As the DOC provides instructions, each case can be liquidated individually. In this example, this prototype provides for more efficient processing by Customs and quicker refunds to the importer. Additionally, Customs would issue one check for each

Reconciliation, as opposed to the current obligation of issuing 800 separate checks.

Customs posting of the AD/CVD liquidation instructions on the Customs Electronic Bulletin Board and the Administrative Message System will initiate the 90 days in which the participant has to file the Reconciliation. Customs posting of the liquidation instructions will serve as the notice to the importer by the Customs Service that a period of review for antidumping or countervailing duty purposes has been completed. The publication in the Federal Register by the International Trade Administration (DOC) does not constitute Commerce's instructions to Customs to liquidate, and as such, will NOT trigger the 90 day period for submission of the Reconciliation.

Prerequisites for Reconciliation Under this Prototype

The following are the prerequisites for this prototype covering AD/CVD transactions:

A. *Common Elements*: Each Reconciliation under this prototype will be limited to entries filed by one importer and one filer, and in one port location. Importers who file entries at more than one port may participate if the other prerequisites are met; however, they will have to file one Notice of Intent/Reconciliation for each port. Each Reconciliation is limited to one Antidumping or Countervailing duty case (the individual ten digit case number), and will cover only one manufacturer/shipper/grower. Each Reconciliation will cover only one review period, as defined in 19 CFR 353.22 and 19 CFR 355.22.

B. *Bonding*: Adequate bonding will be required for each Reconciliation. Since there is no additional liability created on the Reconciliation, the bond filed on the underlying entries will in most cases be used to cover the Reconciliation. However, Customs will analyze each participant's individual situation, and take action to ensure sufficient bond coverage exists. While Customs prefers to have one common set of legally responsible parties for each Reconciliation, importers with entries filed within one review period which were secured by more than one surety will not be excluded from participation in this prototype.

C. *Eligible Entries*: The following types of entries will be eligible for this prototype: (1) Entry type 03—Antidumping and Countervailing duty consumption entries, (2) Entry type 06—Foreign trade zone consumption entries, and (3) Entry type 07—Quota/Visa and

Antidumping/Countervailing duty consumption entries.

Customs is developing a system to accommodate the details involved on Reconciliations covering warehouse withdrawals. Importers interested in filing a Reconciliation on warehouse withdrawals (Entry type 34—Antidumping/Countervailing duty warehouse withdrawal, and Entry type 38—Quota/Visa and Antidumping/Countervailing duty warehouse withdrawal) are encouraged to submit comments and apply for participation, if interested.

D. Time frame: Those entries filed via ABI between *February 1, 1990* and the start of this test will be considered eligible for this prototype. (Entries filed prior to February 1, 1990 are not eligible for this test because prior to such date, Customs did not track AD/CVD case information by entry summary line within the Automated Commercial System.)

E. Notice of Intent/Reconciliation: Once a participant is selected, a Notice of Intent must be filed. The Notice of Intent is irrevocable. The Notice of Intent must contain the Reconciliation number and the common elements of the Reconciliation, (i.e., importer/filer/AD—CVD case/review period/manufacturer/Port).

The Reconciliation will be due within 90 days of Customs' posting of the liquidation instructions. For AD/CVD cases which have had liquidation instructions previously posted by Customs, the filing of the Notice of Intent will trigger the 90 days for submission of the Reconciliation. For purposes of this prototype, the Reconciliation will be submitted to Customs in an ASCII text, tab-delimited file format, both on hard copy and diskette, and will contain the following information *for each entry line subject to the Reconciliation*:

- (1) Entry number;
 - (2) Date of entry;
 - (3) Date of export from foreign country (if Reconciliation pertains to CVD case);
 - (4) Entered value;
 - (5) AD/CVD duty deposited (Indicate "B" if bonded);
 - (6) Amount of supplemental AD/CVD duty payment(s), if any;
 - (7) Date(s) of supplemental payment(s), if any;
 - (8) Total quantity (only if liquidation instructions provide specific rate of duty);
 - (9) AD/CVD duty due as per assessed rate; and
 - (10) Net difference in duty.
- Participants will be provided with a sample Reconciliation.

F. Liquidation: Importers who chose to participate in this prototype will recognize that the liquidation of the underlying entries pertains only to those issues not identified by the importer on the Notice of Intent. Upon liquidation of the underlying entries, any decisions of the Customs Service entering into that liquidation can be protested pursuant to 19 U.S.C. 1514. The liquidation of the Reconciliation will be posted to the Bulletin Notice of Liquidation. The liquidation of the Reconciliation may also be protested, but the protest may only pertain to elements contained in the liquidated Reconciliation, i.e. the protest may not re-visit elements previously liquidated in the entry.

Under this prototype, once the participant files the Notice of Intent, the referenced entries will be liquidated as to all issues other than that identified in the Notice of Intent, barring any outstanding non-reconciliation issue. The AD/CVD liability issue is transferred to the Reconciliation. The liquidation of tariff classification/rate of duty and/or the appraised value under 19 U.S.C. 1401a shall not preclude the assessment on the Reconciliation of AD/CVD duties according to the instructions issued by the DOC to Customs.

Regulatory Provisions Suspended

Section 113.62 of the Customs Regulations (19 CFR 113.62), pertaining to basic importation and entry bond conditions, will be suspended during this prototype test. Certain provisions in Part 159 of the Customs Regulations (19 CFR Part 159), pertaining to liquidation of duties, will also be suspended during this prototype test.

II. Eligibility Criteria

The following requirements must be met to be considered for selection in this prototype:

- (1) All entries and entry summaries subject to the Reconciliation must have been filed via ABI on or after February 1, 1990 and before the start of this test.
- (2) There can be no more than 1,000 entries subject to a single Reconciliation.
- (3) Adequate bond coverage must exist for the Reconciliation.
- (4) Participants may not be the subject of a current audit or investigation by the Customs Service. Closed audits/investigations will not necessarily preclude an importer from participating. However, the findings will be taken into consideration, as will the importer's demonstrated efforts to correct past problems.
- (5) Participants must be willing and able to supply the information identified above in the Reconciliation in

the specified text, tab-delimited file format.

(6) Participants must agree to participate in the evaluation of this test.

Note that participation in this test will not constitute confidential information and that lists of participants will be made available on the Customs Electronic Bulletin Board and the Administrative Message System.

Reconciliation Prototype Application

This notice requests importers, or brokers or attorneys on behalf of importers, to voluntarily apply for participation in this prototype by submitting to the Reconciliation Prototype Team, U.S. Customs Service, 1301 Constitution Avenue, N.W., Room 1322, Washington, D.C. 20229-0001, on or before the date set forth in the effective date paragraph at the beginning of this notice, the following information:

- (1) Importer name and IR number;
- (2) Broker name and filer code;
- (3) Surety name(s) and surety code(s);
- (4) Bond coverage, i.e., whether a continuous bond and/or single entry bonds were used for coverage on the subject entries;
- (5) Supplier name, address, and manufacturer's number;
- (6) AD/CVD case number at the 10 digit level and the review period being reconciled;
- (7) Commodities covered under the Reconciliation;
- (8) Port(s) at which entries have been filed and at which the Notice(s) of Intent will be filed;
- (9) Number of entries covered under the Reconciliation;
- (10) Any supplemental payments made on the subject entries;
- (11) Main contact person and telephone number for participation questions; and
- (12) Any comments on prototype participation.

By applying to participate in this test, the importer is agreeing to participate pursuant to the terms of the test as defined in this notice.

Basis for Participant Selection

Eligible importers or importers with brokers will be considered for selection as participants in this prototype. Selection will be based on electronic capabilities and volume of entries within the designated criteria. In addition, Customs will work with the DOC to identify those cases which lend themselves to this prototype. The amount and timing of supplemental payments made for an AD/CVD case may have impact on participant selection. Customs is looking for a variety of circumstances and

participants in this prototype; however, a limited number of participants will be selected. This prototype will be limited to 25 Reconciliations, due to the minimal automated programming available to support this test. We stress that those applicants not selected for participation, and any interested parties, are invited to comment on the design, conduct, and evaluation of this prototype. Participants selected will be notified in writing. The list of participants will be made available on the Customs Electronic Bulletin Board and the Administrative Message System.

III. Test Evaluation Criteria

Once participants are selected, Customs and the participants will meet to review all public comments received concerning any aspect of the test program or procedures, finalize procedures in light of those comments, form problem-solving teams, and establish baseline measures and evaluation methods and criteria. Interim evaluations of the prototype will be published on the Customs Electronic Bulletin Board, and the results of the final prototype evaluation will be published in the Federal Register as required by 19 CFR 101.9(b). The following evaluation methods and criteria have been suggested:

1. Baseline measurements to be established through dataqueries and questionnaires;
2. Reports to be run through use of dataquery throughout the prototype; and
3. Questionnaires from both trade and Customs participants to be used before, during, and after the prototype period. Preliminary suggestions for evaluation criteria are workload impact (workload shifts, cycle time, etc.), cost savings (staff, interest, issuance of fewer checks or bills, tracking refunds or bills, reduction in contingent liabilities, etc.), policy and procedural accommodation, trade compliance impact, problem solving and system efficiency.

Customs will request that test participants be active in the evaluation, identifying costs and savings experienced in this prototype.

Customs intends to conduct several prototypes of the reconciliation component of the NCAP. These tests will determine the system and operational design of reconciliation which will allow all filers to participate in this type of entry process at a national level. At this time, how the final reconciliation program will operate is unknown. Prototype participants must recognize that these are true prototypes to test the benefits and potential problems of reconciliation for Customs, the trade community, and

other parties impacted by this program. It is important to note that time and money spent on these prototypes may not carry forward to the final program.

The next reconciliation prototype is tentatively scheduled to commence no sooner than January, 1997. This subsequent prototype will continue to address operational impact and procedures, and begin addressing additional systemic needs. This prototype is intended to include AD/CVD, as well as other issues which lend themselves to processing by reconciliation. The experience gained from the reconciliation prototype for AD/CVD transactions will be incorporated into subsequent prototypes.

Dated: May 6, 1996.

Samuel H. Banks,

Assistant Commissioner, Office of Field Operations.

[FR Doc. 96-11734 Filed 5-9-96; 8:45 am]

BILLING CODE 4820-02-P

[T.D. 96-38]

Tuna Fish—Tariff-Rate Quota

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Announcement of the quota quantity for tuna for Calendar Year 1996.

SUMMARY: This document sets forth the tariff-rate quota for the Calendar Year 1996, on tuna classifiable under item 1604.14.20, Harmonized Tariff Schedule of the United States.

EFFECTIVE DATES: The 1996 tariff-rate quota is applicable to tuna fish entered, or withdrawn from warehouse, for consumption during the period January 1 through December 31, 1996.

FOR FURTHER INFORMATION CONTACT: Karen L. Cooper, Chief, Quota Branch, Technical Programs Division, Trade Compliance Team, Office of Field Operations, U.S. Customs Service, Washington, D.C. 20229, (202) 927-5401.

Background

Each year the tariff-rate quota for tuna fish described in item 1604.14.20, Harmonized Tariff Schedule of the United States (HTSUS), is based on the United States canned tuna production for the preceding calendar year. This document sets forth the tariff-rate quota for the Calendar Year 1996. It has now been determined that 36,300,379 kilograms of tuna may be entered for consumption or withdrawn from warehouse for consumption during the Calendar Year 1996, at the rate of 6

percent ad valorem under item 1604.14.20, HTSUS. Any such tuna which is entered, or withdrawn from warehouse, for consumption during the current calendar year in excess of this quota will be dutiable at the rate of 12.5 percent ad valorem under item 1604.14.30 HTSUS. (OFO-TC:T:Q)

Dated: May 6, 1996.

Michael H. Lane,

Acting Commissioner.

[FR Doc. 96-11733 Filed 5-9-96; 8:45 am]

BILLING CODE 4820-02-P

Fiscal Service

[Dept. Circ. 570, 1995 Rev., Supp. No. 12]

Surety Companies Acceptable on Federal Bonds; Capital Reinsurance Company

A Certificate of Authority as an acceptable reinsurer on Federal Bonds is hereby issued to the following company under Sections 9304 to 9308, Title 31, of the United States Code. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1995 Revision, on page 34450 to reflect this addition:

Capitol Reinsurance Company.
BUSINESS ADDRESS: 1325 Avenue of the Americas, New York, NY 10019.
PHONE: (212) 974-0100.
UNDERWRITING LIMITATION b/: \$27,928,000. INCORPORATED IN: Maryland.

Certificates of Authority expire on June 30 each year, unless revoked prior to that date. The Certificates are subject to subsequent annual renewal as long as the companies remain qualified (31 CFR, Part 223). A list of qualified companies is published annually as of July 1 in Treasury Department Circular 570, with details as to underwriting limitations.

Copies of the Circular may be obtained by calling the U.S. Department of the Treasury, Financial Management Service, computerized public bulletin board system (FMS Inside Line) at (202) 874-6817/7034/6953/6872 or by purchasing a hard copy from the Government Printing Office (GPO), Washington, DC, telephone (202) 512-0132. When ordering the Circular from GPO, use the following stock number: 048-000-00489-0.

Questions concerning this Notice may be directed to the U.S. Department of the Treasury, Financial Management Service, Funds Management Division, Surety Bond Branch, 3700 East-West Highway, Room 6F04, Hyattsville, MD 20782, telephone (202) 874-6507.