

REGISTER (38 FR 7813) stating that the Federal Aviation Administration was considering an amendment to part 71 of the Federal Aviation regulations that would alter the description of the Logan, Utah, transition area. On April 13, 1973, a correction was published in the FEDERAL REGISTER (38 FR 9292) correcting the 344° radial to the 352° radial.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received. Further review disclosed the need for the following revisions which are editorial in nature and constitute no substantive change to the area:

1. Delete "and parallel to".
2. Substitute "Logan VOR" in lieu of "5-mile radius".

Therefore, the proposed amendment is adopted as follows:

LOGAN, UTAH

That airspace extending upward from 700 ft above the surface within a 5-mile radius of the Logan-Cache Airport (lat. 41°47'09" N., long. 111°50'53" W.) and within 4.5 miles east and 9.5 miles west of the Logan VOR 352° radial, extending from the Logan VOR to 11 miles north of the Logan VOR; that airspace extending upward from 1,200 ft above the surface bounded on the north by the south edge of V4, on the east by longitude 111°40'30" W., on the south by the north edge of V288, on the west by the east edge of V21; and that airspace extending upward from 10,500 ft m.s.l. bounded on the northeast by the southwest edge of V48, on the west by longitude 111°40'30" W., and on the south by the north edge of V288.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act. (49 U.S.C. 1655(c).)

Effective date.—This amendment shall be effective 0901 G.m.t. July 19, 1973.

Issued in Aurora, Colo., on May 8, 1973.

M. M. MARTIN,
Director, Rocky Mountain Region.

LOGAN, UTAH

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Logan-Cache Airport (latitude 41°47'09" N., longitude 111°50'53" W.) and within 4.5 miles east and 9.5 miles west of and parallel to the Logan VOR 344° radial, extending from the 5-mile radius to 11 miles north of the Logan VOR; that airspace extending upward from 1,200 feet above the surface bounded on the north by the south edge of V4, on the east by longitude 111°40'30" W., on the south by the north edge of V288, on the west by the east edge of V21; and that airspace extending upward from 10,500 feet MSL bounded on the northeast by the southwest edge of V48, on the west by longitude 111°40'30" W., and on the south by the north edge of V288.

[FR Doc.73-9977 Filed 5-18-73;8:45 am]

[Airspace Docket No. 73-WE-8]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone

On March 12, 1973, a notice of proposed rulemaking was published in the

FEDERAL REGISTER (38 FR 6689) stating that the Federal Aviation Administration was considering an amendment to part 71 of the Federal Aviation regulations that would designate a control zone at General William J. Fox Airfield, Lancaster, Calif.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date.—This amendment shall be effective 0901 G.m.t., July 9, 1973.

(Sec. 307(c) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c).)

Issued in Los Angeles, Calif., on May 7, 1973.

ARVIN O. BASNIGHT,
Director, Western Region.

In § 71.171 (38 FR 351) the following control zone is added:

FOX FIELD, LANCASTER, CALIF.

Within a 5-mile radius of General William J. Fox Airfield (lat. 34°44'26" N., long. 118°13'04" W.), and within 2 miles each side of the Palmdale VORTAC 311° radial extending from the 5-mile-radius zone to the Palmdale, Calif., 5-mile-radius zone. This control zone is effective during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the "Airmen's Information Manual."

[FR Doc.73-9975 Filed 5-18-73;8:45 am]

[Airspace Docket No. 73-WA-32]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Area High Routes

On December 1, 1972, a notice of proposed rulemaking was published in the FEDERAL REGISTER (37 FR 25531) stating that the Federal Aviation Administration (FAA) was considering an amendment to part 75 of the Federal Aviation regulations that would designate three area navigation (RNAV) high routes to provide for north and south operations between certain southern Florida terminals and east/northeastern terminals.

These routes have been successfully flight inspected and are being designated in this rule. Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. All comments received were favorable.

Subsequent to publishing the notice, it was determined that northeast bound departure operations from Jacksonville, Fla., on present route J957R, could be improved by realigning the portion of proposed J994R between Charleston, S.C., and Jacksonville to the west to intercept and follow present route J958R. The maximum displacement distance involved would be 20 nmi in the vicinity of Charleston where the proposed route would move westward to the "Ritter" waypoint on present route J958R. This realignment would add approximately 7 nmi route distance to J994R. However,

between Jacksonville and Charleston parallel segregated RNAV route segments would be created; thus, significantly enhancing northeast bound departure operations from Jacksonville and improving north-south traffic flow in the Jacksonville terminal area. Consequently, action is taken herein to effect the realignment involved. Alignments of the other two routes will be the same as proposed in the notice.

In consideration of the foregoing, part 75 of the Federal Aviation regulations is amended, effective 0901 G.m.t., July 19, 1973, as hereinafter set forth.

In § 75.400 (38 FR 700) the following area high routes are added:

Waypoint name	Location North Latitude/ West longitude	Reference facility
J993R (JOHN F. KENNEDY AIRPORT, N.Y., to Miami, Fla.)		
Boundary, Md.	38°06'45"/78°26'05"	Richmond, Va.
Rescue, Va.	36°47'30"/76°25'30"	Do.
Topsail, N.C.	34°00'00"/78°00'00"	Raleigh-Durham, N.C.
Azalea	32°23'00"/78°15'00"	Charleston, S.C.
Gateway	30°24'00"/78°34'00"	Ormond Beach, Fla.
Saltfish	30°00'00"/78°38'00"	Do.
Tarpon	28°00'00"/79°30'00"	Vero Beach, Fla.
Pike	26°17'31"/79°54'40"	Palm Beach, Fla.
J994R (JOHN F. KENNEDY AIRPORT, N.Y., to Orlando, Fla.)		
Boundary, Md.	38°06'45"/78°26'05"	Richmond, Va.
Rescue, Va.	36°47'30"/76°25'30"	Do.
Clarkton, N.C.	34°20'30"/78°57'30"	Raleigh-Durham, N.C.
Ritter, S.C.	32°47'00"/80°37'30"	Charleston, S.C.
Chester, Fla.	30°52'28"/81°28'52"	Jacksonville, Fla.
Jacksonville, Fla.	30°27'00"/81°33'52"	Do.
Orlando, Fla.	28°33'33"/81°30'07"	Orlando, Fla.
J995R (DULLES INTERNATIONAL AIRPORT, VA., to Miami, Fla.)		
Casanova, Va.	38°38'28"/77°51'57"	Gordonsville, Va.
Flat Rock, Va.	37°31'42"/77°49'43"	Do.
Topsail, N.C.	34°00'00"/78°00'00"	Raleigh-Durham, N.C.
Azalea	32°23'00"/78°15'00"	Charleston, S.C.
Gateway	30°24'00"/78°34'00"	Ormond Beach, Fla.
Saltfish	30°00'00"/78°38'00"	Do.
Halibut	28°41'00"/79°07'00"	Vero Beach, Fla.
Bonfish	26°03'28"/79°46'14"	Palm Beach, Fla.

(Secs. 307(a) and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510), Executive Order 10854 (24 FR 9565); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c).)

Issued in Washington, D.C., on May 10, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and
Air Traffic Rules Division.

[FR Doc.73-9978 Filed 5-18-73;8:45 am]

[Airspace Docket No. 73-WE-5]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone and Alteration of Transition Area; Correction

On April 23, 1973 FR Doc. 73-7770 was published in the FEDERAL REGISTER

(38 FR 9991) that amended part 71 of the Federal Aviation Regulations by designating a new control zone at Grand Canyon National Airport, Ariz. and altered the description of the Grand Canyon, Ariz., transition area. A review of the document revealed that a portion of the control zone description had been omitted. Action is taken herein to correct this error.

Since this change is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon is unnecessary.

In view of the foregoing FR Doc. 73-7770 (38 FR 9991) is amended by correcting the description of the Grand Canyon, Ariz., control zone in part as follows.

Delete all before "This control zone * * *" and substitute therefore: "Within a 5-mile radius of Grand Canyon National Airport (lat. 35°57'16" N., long. 112°08'37" W.) and within 3 miles each side of the Grand Canyon VOR 211° radial, extending from the 5-mile-radius zone to 6 miles southwest of the VOR * * *"

Effective date.—The effective date as originally established may be retained.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a), and of sec. 6(c) of the Department of Transportation Act, 49 U.S.C. 1655(c).)

Issued in Los Angeles, Calif., on May 7, 1973.

ARVIN O. BASNIGHT,
Director, Western Region.

[FR Doc. 73-9976 Filed 5-18-73; 8:45 am]

Title 19—Customs Duties CHAPTER I—BUREAU OF CUSTOMS [T.D. 73-135]

IMPORTATION AND EXPORTATION OF ARTICLES BY MAIL—CUSTOMS REGU- LATIONS REVISED

On December 20, 1972, a notice of proposed rulemaking pertaining to a revision of the Customs regulations relating to importations and exportations of articles by mail (19 CFR pt. 9), was published in the FEDERAL REGISTER (37 FR 28060). Interested persons were given 60 days in which to submit written comments, suggestions, or objections, regarding the proposed revision. One comment from the public was received in response to the notice of proposed rulemaking.

This revision is part of the general revision of the Customs regulations which includes a rearrangement of the sequence of parts in chapter I, title 19, of the Code of Federal Regulations. As part of this rearrangement, part 9 is being redesignated as part 145, and the text has been rewritten into a more logical sequence.

After consideration of all comments received, the following changes have been made:

After the notice on part 145 was published, T.D. 73-27 was published in the FEDERAL REGISTER, January 26, 1973 (38 FR 2448), to incorporate certain portions of part 10 into a new part 148, entitled Personal Declarations and Ex-

emptions. Therefore, certain cross-references in part 145 then had to be changed. All such changes are set forth below.

Accordingly, new part 145, and the conforming changes in parts 8, 11, 12, 18, 54, and 134 of the Customs regulations, chapter I, title 19, of the Code of Federal Regulations, are hereby adopted as set forth below.

Effective date.—These amendments shall become effective June 20, 1973.

EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved May 11, 1973.

EDWARD L. MORGAN,
Assistant Secretary
of the Treasury.

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

§ 8.3 [Amended]

In § 8.3, paragraph (a) is amended by substituting "§ 8.52 and subpart D of part 145" for "§§ 8.52, 9.3(b), and 9.6".

§ 8.4 [Amended]

In § 8.4, paragraph (e) is amended by substituting "145.12 (b) and (c)" for "9.3(d)".

§ 8.45 [Amended]

Section 8.45 is amended by substituting "145.71" for "9.11".

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624.)

PART 9—IMPORTATIONS BY MAIL

Chapter I of title 19 of the Code of Federal Regulations is amended by deleting Part 9—Importations by Mail.

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624.)

PART 11—PACKING AND STAMPING; MARKING

§ 11.2a [Amended]

Section 11.2a is amended by substituting "145.13(b)" for "9.8(a) (2)".

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624.)

PART 12—SPECIAL CLASSES OF MERCHANDISE

§ 12.51 [Amended]

In § 12.51, paragraph (a) is amended by substituting, in the first sentence, "§§ 145.12 and 145.41" for "§ 9.3", and by substituting, in the second sentence, "145.12(a)" for "9.4".

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624.)

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

§ 18.25 [Amended]

In § 18.25, paragraph (a) is amended by substituting "subpart F of part 145" for "§ 9.11(a)".

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624.)

PART 54—CERTAIN IMPORTATIONS TEMPORARILY FREE OF DUTY

§ 54.3 [Amended]

In § 54.3, paragraph (e) is amended by substituting "145.11" for "9.1".

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624.)

PART 134—COUNTRY OF ORIGIN MARKING

§ 134.32 [Amended]

In § 134.32, paragraph (n) is amended by substituting "8.3, 145.31 or 145.32" for "8.3 or 9.6".

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624.)

PART 145—MAIL IMPORTATIONS

Chapter I of title 19 of the Code of Federal Regulations is amended by adding part 145 entitled "Mail Importations" to read as follows:

PART 145—MAIL IMPORTATIONS

Sec.

145.0 Scope.

Subpart A—General Provisions

145.1 Definitions.

145.2 Mail subject to Customs examination.

145.3 Reading of correspondence prohibited.

145.4 Dutiable merchandise without declaration or invoice, prohibited merchandise, and merchandise imported contrary to law.

145.5 Undeliverable packages.

Subpart B—Requirements and Procedures

145.11 Declarations of value and invoices.

145.12 Entry of merchandise.

145.13 Internal revenue tax on mail entries.

145.14 Marking requirements.

Subpart C—Administrative Review of Mail Entries

145.21 Administrative review.

145.22 Procedures for obtaining administrative review.

145.23 Time limits.

145.24 Amendment of entry.

145.25 Entry correct.

145.26 Rates of duty not binding.

Subpart D—Special Classes of Merchandise

145.31 Importations not over \$1 in value.

145.32 Bona fide gifts not over \$10 in value.

145.33 Bona fide gifts from military personnel in a combat zone.

145.34 Personal and household effects and tools of trade.

145.35 United States products returned.

145.36 Articles for institutions.

145.37 Articles for the U.S. Government.

145.38 Diplomatic pouches.

145.39 Articles for diplomatic officers, representatives of international organizations, and foreign military personnel.

145.40 Plant material imported for immediate exportation.

145.41 Other conditionally and unconditionally free merchandise.

145.42 Proof for conditionally free merchandise.

Subpart E—Restricted and Prohibited Merchandise

145.51 Articles prohibited by section 305, Tariff Act of 1930.

- Sec.
 145.52 Literature concerning devices for unlawful abortion, and unsolicited contraceptive matter and advertisements.
 145.53 Firearms and munitions of war.
 145.54 Alcoholic beverages.
 145.55 Trademarks, trade names, and copyrights.
 Sec.
 145.56 Foreign Assets Control.
 145.57 Regulations of other agencies.
 145.58 Other restricted and prohibited merchandise.
 145.59 Seizures.

Subpart F—Exportation by Mail

- 145.71 Exportation from continuous Government custody.
 145.72 Delivery to Customs custody for exportation.

AUTHORITY: R.S. 251, as amended, 77A Stat. 14, sec. 624, 46 Stat. 759; 19 U.S.C. 68, 1202 (general headnote 11, Tariff Schedules of the United States), 1624. Additional authority and statutes interpreted or applied are cited in the text or in parentheses following the sections affected.

§ 145.0 Scope.

This part contains regulations pertaining specifically to the importation of merchandise through the mails but does not contain all the regulations applicable to mail importations. Importations by mail are subject to the same requirements and restrictions as importations by any other means, except where more specific procedures for mail importations are set forth in this part.

Subpart A—General Provisions

§ 145.1 Definitions.

The following are general definitions for the purposes of part 145:

(a) *Mail*.—"Mail" or "international mail" means both Postal Union mail and parcel post, as those terms are construed in 39 CFR Part 12.

(b) *Letter mail*.—"Letter mail" means letters and letter packages in Postal Union mail.

(c) *Package*.—"Package" means any parcel, packet, envelope, or other similar container, whether sealed or unsealed, arriving in the international mail.

§ 145.2 Mail subject to Customs examination.

All mail originating outside the Customs territory of the United States, whether sealed or unsealed, is subject to Customs examination, except:

(a) Mail known or believed to contain only official documents addressed to officials of the U.S. Government;

(b) Mail addressed to Ambassadors and Ministers (Chiefs of Diplomatic Missions) of foreign countries; and

(c) Letter mail known or believed to contain only correspondence or documents addressed to diplomatic missions or the officers thereof, or to international organizations designated by the President as public international organizations pursuant to the International Organizations Act (see § 148.87(b) of this chapter). Mail, other than letter mail, addressed to such designated international organizations is subject to Customs

examination except where the organization certifies under its official seal that such mail contains no dutiable or prohibited articles. Any Customs examination made shall, upon request of the addressee international organization, take place in the presence of an appropriate representative of that organization.

§ 145.3 Reading of correspondence prohibited.

No Customs officer or employee shall read or authorize or allow any other person to read any correspondence contained in sealed letter mail of foreign origin unless a search warrant has been obtained in advance from an appropriate judge or U.S. magistrate which authorizes such action.

§ 145.4 Dutiable merchandise without declaration or invoice, prohibited merchandise, and merchandise imported contrary to law.

(a) *Subject to seizure and forfeiture*.—When, upon Customs examination, a package from abroad is found to contain merchandise subject to duty or tax, and the package is not accompanied by an appropriate Customs declaration and invoice or statement of value required by § 145.11, or is found to contain material prohibited importation or imported contrary to law, the merchandise is subject to seizure and forfeiture.

(b) *Mitigation of forfeiture*.—Under the authority contained in section 618, Tariff Act of 1930, as amended (19 U.S.C. 1618), any forfeiture of merchandise subject to duty or tax (other than material prohibited importation) so incurred is hereby mitigated to an amount equal to 10 percent of the loss of revenue which was or might have been sustained, provided there is no evidence indicating to the district director that failure to properly declare the merchandise was due to willful negligence or an intent to defraud the revenue. If there is any such evidence, or if for any other reason the district director believes that it would not be in the interest of the United States to grant this relief, the matter shall be reported to the Commissioner of Customs for instructions.

(c) *Collection of mitigated forfeiture*.—When the shipment does not exceed \$250 in value, Customs Form 3419 or 5119-A shall be used for the entry of the merchandise, and the duty, any tax, and the amount of the mitigated forfeiture shall be entered as separate items thereon. If a package for which a mail fine entry has been issued in accordance with this paragraph is undeliverable, it will be returned to the district director at the port where the entry was issued, for disposition in accordance with § 145.59 relating to articles subject to seizure.

(d) *Petition for relief*.—The addressee or sender may file a petition with the district director at the port where the mail fine entry was issued in accordance with part 171 of this chapter for relief from the forfeiture incurred and for release of the seized merchandise, or for additional relief from a mitigated forfeiture.

(62 Stat. 716, as amended, sec. 618, 46 Stat. 757, as amended; 18 U.S.C. 545, 19 U.S.C. 1618.)

Packages which are refused or undeliverable, except packages for which a mail fine entry has been issued in accordance with § 145.4(c), will be marked by the postmaster to show why delivery was not made, and will be forwarded to the proper exchange post office for return to the country of origin. Mail entries will be removed from the packages and returned to Customs for cancellation. If, for any reason, an undeliverable package known or supposed to be dutiable is not returned to the country of origin or forwarded to another country in accordance with the Postal regulations, it will be delivered to Customs for disposition under the Customs laws and regulations governing seized or unclaimed merchandise.

Subpart B—Requirements and Procedures

§ 145.11 Declarations of value and invoices.

(a) *Customs declaration*. A clear and complete Customs declaration on the form provided by the foreign post office, giving a full and accurate description of the contents and value of the merchandise, shall be securely attached to at least one package of each shipment, including shipments of special classes of merchandise treated in subpart D of this part. Although a Customs declaration is required to be attached to only one package of each shipment, examination and release of the merchandise will be expedited if such a declaration is attached to each individual package.

(b) *Invoice or statement of value*.—Each shipment of merchandise shall have an invoice or bill of sale (or, in the case of merchandise not purchased or consigned for sale, a statement of value), giving an accurate description and the value of the merchandise, securely attached to the outside of the package, or enclosed therein. If the shipment consists of more than one package, a copy of the invoice should accompany each package, or else the invoice shall accompany the package bearing the declaration, and that package shall be marked "Invoice enclosed."

(c) *Special Customs invoice*.—When the aggregate value of a mail shipment exceeds \$500, a special Customs invoice shall accompany the shipment when required by § 8.15 of this chapter. If a special Customs invoice accompanies the shipment, no other invoice or statement of value is required, although a Customs declaration is required in accordance with paragraph (a) of this section.

(d) *Shipments without declaration and invoice*.—Shipment of merchandise which are not accompanied by a Customs declaration and invoice in accordance with paragraphs (a)–(c) of this section may be subject to seizure and forfeiture in accordance with § 145.4.

(Secs. 481, 485, 498, 46 Stat. 719, 724, as amended, 728, as amended; 19 U.S.C. 1481, 1485, 1498.)

§ 145.12 Entry of merchandise.

(a) *Formal entries.*—(1) *Discretionary.*—The district director may require formal entry of any mail shipment regardless of value if in his opinion it is necessary to protect the revenue.

(2) *Required.* Formal entry at the customhouse shall be required for every importation in the mails which exceeds \$250 in value, except for special classes of merchandise which can be released without entry (see subpart D of this part), and except as provided in §§ 8.50, 8.51, and 10.1 of this chapter.

(3) *Separate shipments.*—Separate shipments not exceeding \$250 in value, if mailed abroad at different times (as shown by the declaration or other mailing indicia), shall not be combined for the purpose of requiring formal entry, even though they reach Customs at the same time and are covered by a single order or contract in excess of \$250, unless there was a splitting of shipments in order to avoid the payment of Customs duty.

(4) *Notice of formal entry requirement.*—When a formal entry is required, the addressee shall be notified of the arrival of the shipment and of the place at which entry is to be made. If the shipment is addressed to a point which is not a Customs port or station, the port of entry specified in the notice shall be the port nearest the destination of the shipment.

(b) *Mail and informal entries.*—(1) *Preparation of entry form.*—Except as provided in paragraph (c) of this section, Customs officers shall prepare and attach a mail entry (Customs Form 3419) for each shipment not exceeding \$250 in value which is to be delivered by the Postal Service, and return the shipment to the Postal Service for delivery and collection of duty. If the addressee has arranged to pick up such a shipment at the Customs office where it is being processed, the Customs officer shall prepare an informal entry (Customs Form 5119-A) and collect the duty in accordance with § 8.51 of this chapter.

(2) *Rates of duty.*—Merchandise released under a mail or informal entry shall be dutiable at the rates of duty in effect when the preparation of the entry is completed by a Customs employee, ready for transmittal with the merchandise to the addressee.

(c) *Dutiable shipments not over \$250 for Government agencies.*—When a dutiable shipment not exceeding \$250 in value is addressed to a U.S. Government department or agency, the district director may release the merchandise prior to the payment of duties under an entry on Customs Form 5119-A, upon the receipt of a stipulation in the form set forth in § 8.28(c) of this chapter. If the stipulation does not accompany the shipment, the district director shall notify the Government department or agency of the arrival of the shipment and request the stipulation. Upon receipt of the completed stipulation and preparation of the entry form, the district director shall stamp all packages in the shipment to show that they have received Customs

treatment and shall return the shipment to the Postal Service for delivery, unless the addressee has arranged to pick up the shipment at the Customs office where it is being processed. The proper Government department or agency shall be billed later for any duties and taxes due.

(d) *Release without entry.*—Certain types of merchandise may be passed free of duty without issuing an entry (see Subpart D of this part).

(Secs. 315, 484, 498, 46 Stat. 695, as amended, 722, as amended, 728, as amended; 19 U.S.C. 1315, 1484, 1498.)

§ 145.13 Internal revenue tax on mail entries.

(a) *Method of collection.*—Any internal revenue tax assessed on a mail entry shall be shown as a separate item on the entry, and collected in the same manner as Customs duties.

(b) *Release without payment of tax.*—A mail entry may not be used to release a shipment of cigars, cigarettes, or cigarette papers or tubes for a manufacturer without payment of tax as provided for in 26 CFR Part 275 and § 11.2a of this chapter. If a claim for release without payment of tax is made by the addressee at the time of delivery, the shipment will be returned by the Postal Service to the port of entry or sent to the nearest Customs office at which appropriate release as claimed may be arranged by the addressee.

§ 145.14 Marking requirements.

(a) *Country of origin.*—Merchandise imported by mail shall be marked with the country of origin in accordance with part 134 of this chapter. If merchandise without the required marking is to be delivered from the post office where it has been given Customs examination, the Customs officer shall require compliance with the marking law and regulations. If it is to be delivered from another post office, the Customs officer shall place in the envelope containing the mail entry a copy of Customs Form 3475, containing instructions to the postmaster concerning the marking to be required before delivery.

(b) *Other marking requirements.*—Certain types of merchandise are subject to special marking requirements, such as those contained in the Textile Fiber Products Identification Act, the Wool Products Labeling Act, and the Trademark Act. Since there is no provision for post office supervision of these types of marking, the district director shall require compliance with the law and regulations (see parts 11 and 133 of this chapter).

(c) *Failure to mark.*—If the addressee fails to comply with the marking requirements, the package will be treated as undeliverable in accordance with § 145.5.

Subpart C—Administrative Review of Mail Entries

§ 145.21 Administrative review.

Requests for adjustment of the amount of duty assessed under mail entries shall be handled as requests for administrative review in accordance with this subpart.

§ 145.22 Procedures for obtaining administrative review.

If an addressee is dissatisfied with the amount of duty assessed under a mail entry, he may obtain administrative review in the following ways:

(a) He may pay the assessed duty, take delivery of the merchandise, and send a copy of the mail entry to the issuing Customs office indicated on the mail entry, together with a statement of the reason it is believed the duty assessed is incorrect. Any invoices, bills of sale, or other evidence should be submitted with the statement. The addressee may show the mail entry number and date on his statement instead of sending a copy of the mail entry, but this may result in delay since a copy of the entry will have to be obtained from the Regional Commissioner of Customs, New York, N.Y., before the entry can be amended.

(b) He may postpone acceptance of the shipment, and within the time allowed by the Postal regulations provide the postmaster with a written statement of his objections. The postmaster will forward the mail entry together with the addressee's statement and any invoices, bills of sale, or other evidence submitted by the addressee to the district director who issued the entry, and retain custody of the shipment until advice is received from the district director as to the disposition to be made. If the addressee is located near one of the ports listed in § 61.3(e) of the Postal regulations (39 CFR 61.3(e)), the postmaster may send the mail entry to that port, together with the addressee's statement and evidence, for reconsideration by the district director.

(c) He may pay the assessed duty and take delivery of the merchandise, and file a protest under section 514, Tariff Act of 1930, as amended (19 U.S.C. 1514), in the form and manner prescribed in Part 174 of this chapter.

(Secs. 501, 514, 46 Stat. 730, as amended, 734, as amended; 19 U.S.C. 1501, 1514.)

§ 145.23 Time limits.

A mail entry may be amended under section 520(c), Tariff Act of 1930, as amended (19 U.S.C. 1520(c)), only if the addressee requests such amendment within the time limits prescribed therein (see §§ 173.4 and 173.5 of this chapter), and the claim is allowable under section 520(c). Requests for adjustment in the amount of duty assessed under mail entries made under § 145.22(a) shall be made in such time that the request can be acted upon by the district director within 90 days after receipt of the package and payment of the duties by the addressee. Protests under § 145.22(c) must be filed not later than 90 days after payment of the duties by the addressee, but may be acted upon after the expiration of that 90-day period.

(Secs. 501, 514, 46 Stat. 730, as amended, 734, as amended; 19 U.S.C. 1501, 1514.)

§ 145.24 Amendment of entry.

If the district director is satisfied that the objection is valid and timely, he shall amend the mail entry. If the duty has

already been paid, the Regional Commissioner shall issue an appropriate refund of duty.

§ 145.25 Entry correct.

If the district director believes the duty originally assessed was correct, he shall send the addressee a notice in writing that the request for refund of duty has been denied. If the duty has not been paid, the mail entry shall be returned to the postmaster concerned, together with a copy of the notice sent to the addressee. The postmaster will then collect the duty and deliver the shipment, or, if the addressee refuses to pay the duty, will treat the shipment as undeliverable.

§ 145.26 Rates of duty not binding.

Rates of duty assessed on a mail entry, whether assessed on the original entry or as amendments under § 145.24, are not binding for future importations. A binding ruling on tariff classification may be obtained in accordance with the procedures set forth in § 16.10a of this chapter.

Subpart D—Special Classes of Merchandise

§ 145.31 Importations not over \$1 in value.

The district director shall pass free of duty and tax, without issuing an entry, packages containing merchandise having an aggregate fair retail value in the country of shipment of not over \$1, subject to the requirements set forth in § 8.3 of this chapter.

(Sec. 7, 52 Stat. 1081, as amended; 19 U.S.C. 1321.)

§ 145.32 Bona fide gifts not over \$10 in value.

The district director shall pass free of duty and tax, without issuing an entry, packages containing bona fide gifts from a person in a foreign country to a person in the United States having an aggregate fair retail value in the country of shipment not exceeding \$10, subject to the requirements set forth in § 8.3 of this chapter.

(Sec. 7, 52 Stat. 1081, as amended; 19 U.S.C. 1321.)

§ 145.33 Bona fide gifts from military personnel in a combat zone.

The importation by mail of bona fide gifts from members of the Armed Forces of the United States serving in a combat zone is governed by § 54.3 of this chapter which sets forth specific procedures for claiming exemption from duty under item 915.25, Tariff Schedules of the United States (19 U.S.C. 1202).

§ 145.34 Personal and household effects and tools of trade.

(a) *U.S. military and civilian personnel returning from extended duty abroad.*—Section 148.74 of this chapter sets forth specific requirements for exemptions from duty under item 817.00, Tariff Schedules of the United States (19 U.S.C. 1202), for personal and household effects of military and civilian personnel

of the United States returning upon the completion of extended duty abroad. A copy of the official travel orders shall be attached to or enclosed in each package, and the outside of each package shall be clearly marked to show that exemption from duty is being claimed.

(b) *Other personal and household effects, and tools of trade.*—Certain personal and household effects and tools of trade may be passed free of duty without issuing an entry, in accordance with § 148.53 of this chapter.

§ 145.35 United States products returned.

Products of the United States returned after having been exported, which have not been advanced in value or improved in condition while abroad, may be passed free of duty without issuing an entry and without an importer's declaration on Customs Form 3311, provided the shipment is valued at not over \$250 and the district director is satisfied that the merchandise is free of duty under item 800.00, Tariff Schedules of the United States (19 U.S.C. 1202).

(Sec. 498, 46 Stat. 728, as amended; 19 U.S.C. 1498.)

§ 145.36 Articles for institutions.

Books and other articles classifiable under items 270.25, 273.10, 273.35, 765.03, 850.10, or 851.10, Tariff Schedules of the United States (19 U.S.C. 1202), imported by and addressed directly to a library or other institution described in item 850.10 or 851.10 may be passed free of duty without issuing an entry, if the district director is satisfied that the merchandise is entitled to free entry. A declaration on Customs Form 3321 may be required in accordance with § 10.43 of this chapter under the procedure specified in § 145.42.

(Sec. 498, 46 Stat. 728, as amended; 19 U.S.C. 1498.)

§ 145.37 Articles for the U.S. Government.

(a) *Packages for copyright.* Packages marked for copyright which are addressed to the Library of Congress, to the Copyright Office, or to the office of the Register of Copyrights, Washington, D.C., shall be passed free of duty without issuing an entry.

(b) *Books, engravings, and other articles.*—Books, classifiable under item 270.25, Tariff Schedules of the United States (19 U.S.C. 1202), and engravings, etchings, and other articles enumerated in item 830.00, shall be passed free of duty without issuing an entry when they are addressed to the Library of Congress or any department or agency of the U.S. Government.

(c) *Official Government documents.*—Other packages addressed to offices or officials of the U.S. Government, believed to contain only official documents, shall be passed free of duty without issuing an entry. Such packages, when believed to contain merchandise, shall be treated in the same manner as other packages of merchandise so addressed.

(Sec. 498, 46 Stat. 728, as amended; 19 U.S.C. 1498.)

§ 145.38 Diplomatic pouches.

Packages bearing the official seal of a foreign government with which the United States has diplomatic relations, accompanied by certificates bearing such seal to the effect that they contain only official communications or documents, shall be admitted free of duty without Customs examination.

(Sec. 498, 46 Stat. 728, as amended; 19 U.S.C. 1498.)

§ 145.39 Articles for diplomatic officers, representatives of international organizations, and foreign military personnel.

Free entry of articles in packages addressed to diplomatic officers, representatives of certain international organizations, and similar persons is governed by subpart I of part 148 and section 10.31c of this chapter.

§ 145.40 Plant material imported for immediate exportation.

Plant material may be imported by mail free of duty for immediate exportation by mail subject to the following regulations, which have been approved by the Department of Agriculture and the Postal Service. This procedure shall not affect the movement of plant material in the international mails through the United States:

(a) *Permit for entry.* Each shipment shall be dispatched in the mails from abroad, accompanied by a yellow and green special mail tag bearing the serial number of the permit for entry for immediate exportation or immediate transportation and exportation, issued by the U.S. Department of Agriculture, and also by the postal form of Customs declaration.

(b) *Place of inspection.*—Upon arrival the shipment shall be detained by or dispatched to the postmaster at Washington, D.C., Brownsville, Tex., Hoboken, N.J., Honolulu, Hawaii, Laredo, Tex., Miami, Fla., San Francisco, Calif., San Juan, P.R., San Pedro, Calif., or Seattle, Wash., as may be appropriate, according to the address on the green and yellow tag, and there submitted to the Customs officer and the Federal quarantine inspector. The merchandise shall be accorded special handling only at these cities, and under no circumstances shall it be permitted to enter the commerce of the United States.

(c) *Special handling.*—After inspection by the Customs and quarantine officers, and with their approval, the addressee or his authorized agent shall repack and readdress the mail package under Customs supervision; endorse and sign on the package a waiver of the addressee's right to withdraw the package from the mails; affix to the package the necessary postage; and comply with any other mailing and export requirements, after which the package shall be delivered under Customs supervision to the postmaster for exportation by mail in accordance with § 145.71.

(d) *Entry not required.*—It will not be necessary to issue a Customs mail entry nor to require a formal entry of the shipment.

§ 145.41 Other conditionally and unconditionally free merchandise.

Shipments of conditionally or unconditionally free merchandise not specifically treated elsewhere in this part may be passed free of duty and tax without issuing an entry, if the value is not over \$250 and the district director is satisfied that the merchandise is entitled to free entry.

(Sec. 498, 46 Stat. 728, as amended; 19 U.S.C. 1498.)

§ 145.42 Proof for conditionally free merchandise.

The district director may, at his discretion, require appropriate proof of duty-free status before releasing conditionally free merchandise. This proof may be obtained by either of the following methods:

(a) *Retain shipment and request proof.*—The shipment may be retained by the district director while the necessary proof is requested from the addressee. If the requested proof is not received within 30 days, a mail entry shall be issued at the ordinary rate of duty which would apply if the merchandise were not conditionally free, and the mail entry shall be forwarded with the shipment for collection of duties.

(b) *Send shipment with form and entry.*—If the only proof required for free entry is a declaration signed by the addressee, the district director may issue a mail entry at the ordinary duty which would apply if the merchandise were not conditionally free. The shipment shall then be forwarded together with the mail entry, a copy of the appropriate declaration form, and instructions to the postmaster to deliver the shipment free of duty if the importer executes the declaration, and to collect the full duty shown on the mail entry if the importer does not execute the declaration.

Subpart E—Restricted and Prohibited Merchandise

§ 145.51 Articles prohibited by section 305, Tariff Act of 1930.

(a) *Types of articles.*—Various articles, as described in section 305, Tariff Act of 1930, as amended (19 U.S.C. 1305), and in part 12 of this chapter, are prohibited from importation. This prohibition includes the following types of articles:

- (1) Obscene matter;
- (2) Articles for causing unlawful abortion (see § 145.52 for the treatment of literature pertaining to such articles);
- (3) Matter advocating treason or insurrection against the United States or forcible resistance to any law of the United States;
- (4) Matter containing any threat to take the life of or inflict bodily harm upon any person in the United States; and
- (5) Lottery matter.

(b) *Disposition of articles.*—Mail found to contain lottery matter shall be disposed of by the Postal Service under the postal laws and regulations. Mail found to contain any of the other prohibited articles described in paragraphs

(a) (1) through (a) (4) of this section shall be given appropriate treatment by Customs under the Customs laws and regulations (see § 12.40 of this chapter).

(Sec. 305, 46 Stat. 688, as amended; 19 U.S.C. 1305.)

§ 145.52 Literature concerning devices for unlawful abortion, and unsolicited contraceptive matter and advertisements.

Packages containing literature or advertisements concerning devices to produce unlawful abortion, or containing certain unsolicited matter for preventing conception or unsolicited advertisements concerning matter for preventing conception, are prohibited from the mails by 18 U.S.C. 1461, and shall be retained by, or delivered to, the Postal Service for disposition under the postal laws and regulations. If the Postal Service shall determine in any case that it is proper to release such material to the addressee, it shall be submitted for Customs treatment before delivery.

§ 145.53 Firearms and munitions of war.

Importations of firearms, munitions of war, and related articles are subject to the import permit requirements and other restrictions set forth in 26 CFR parts 178-180.

§ 145.54 Alcoholic beverages.

(a) *Nonmailable.*—Alcoholic beverages are nonmailable, with certain exceptions (see 18 U.S.C. 1716 and the postal regulations), and when imported in the mails are subject to seizure and forfeiture under 18 U.S.C. 545.

(b) *Seizure.* When alcoholic beverages are received in the mails, they shall be seized, and the addressee shall be advised that they are subject to forfeiture and that he has a right to file a petition for their release (see part 171 of this chapter).

(c) *Conditions for release.*—If the district director is satisfied that there was no fraudulent intent involved, he may release the alcoholic beverages to the addressee upon the following conditions:

- (1) Applicable duty and internal revenue tax shall be paid.
- (2) The addressee shall comply with the alcoholic beverage laws of the State to which the shipment is destined.
- (3) Any other conditions the district director may impose under his authority to remit or mitigate fines, penalties, and forfeitures shall be complied with.
- (4) The addressee, his representative, or a common carrier shall pick up the merchandise at the Customs office where it is being held. Since the merchandise is nonmailable, it cannot be delivered by the Postal Service.

(Sec. 618, 46 Stat. 757, as amended; 19 U.S.C. 1618.)

§ 145.55 Trademarks, trade names, and copyrights.

Merchandise bearing a trademark or trade name entitled to protection against imports, merchandise bearing a mark or name that copies or simulates such a trademark or trade name, and merchan-

dise which is in violation of copyright law is subject to the restrictions and prohibitions set forth in part 133 of this chapter.

§ 145.56 Foreign Assets Control.

Merchandise subject to regulations of the Office of Foreign Assets Control of the Treasury Department prohibiting or restricting entry of unlicensed importations of articles directly or indirectly from North Korea, North Vietnam, Cuba, or Rhodesia shall be detained until licensed or the question of its release, seizure, or other disposition has been determined under the Foreign Assets Control or Cuban Assets Control regulations (31 CFR parts 500 and 515).

§ 145.57 Regulations of other agencies.

Certain types of plants and plant products, food, drugs, cosmetics, hazardous or caustic and corrosive substances, viruses, serums, and various harmful articles are subject to examination and clearance by appropriate agencies before release to the addressee (see part 12 of this chapter).

§ 145.58 Other restricted and prohibited merchandise.

Other restrictions and prohibitions pertaining to certain types of imported merchandise are set forth in part 12 of this chapter and are applicable to importations by mail.

§ 145.59 Seizures.

(a) *Articles prohibited and contrary to law.*—All mail shipments containing articles the importation of which is prohibited, or articles imported into the United States in any manner contrary to law, shall be seized or detained as appropriate and held by Customs officers for appropriate treatment, except for certain articles which will be handled by the Postal Service as specified in §§ 145.51 and 145.52.

(b) *Notification of seizure or detention.*—In all cases where articles are seized or detained by Customs officers, the addressee shall be notified of the seizure or detention, of the reason for such action, and, if appropriate, of his right to petition for relief (see part 171 of this chapter).

Subpart F—Exportation by Mail

§ 145.71 Exportation from continuous Government custody.

(a) *Relief from duties.*—Merchandise imported into the United States, unless nonmailable, may be exported by any class of mail without the payment of duties, if:

- (1) The merchandise has remained continuously in the custody of the Government (Customs or postal authorities); and
- (2) The packages containing such merchandise are inspected and mailed under Customs supervision.

(b) *Waiver of right to withdraw.*—Waiver of the right to withdraw the package from the mails shall be endorsed on each package to be so exported and signed by the exporter.

(c) *Export entry or withdrawal required.*—An export entry in accordance with § 18.25 of this chapter or a warehouse withdrawal for exportation in accordance with § 8.41 of this chapter, whichever is appropriate, shall be filed for merchandise being exported under this section, except for merchandise imported by mail which is either:

(1) Unclaimed or refused and being returned by the Postal Service to the country of origin as undeliverable mail; or

(2) For which a formal entry has not been filed and which is being remailed from continuous Customs or postal custody to Canada.

§ 145.72 Delivery to Customs custody for exportation.

In certain cases where merchandise has not been in continuous Government custody, delivery to Customs custody is appropriate before exportation by mail, as set forth in the following sections of this chapter:

(a) Section 10.8 (articles exported for repairs or alterations).

(b) Section 10.9 (articles exported for processing).

(c) Section 148.33 (merchandise which was imported free of duty under a personal exemption, found to be unsatisfactory, and is being exported for replacement).

(d) Section 10.38 (exportation of imported merchandise which was entered under a temporary importation bond).

(e) Section 22.33 (exportation of rejected imported merchandise, with drawback of duties).

PARALLEL REFERENCE TABLE

(This table shows the relation of sections in revised Part 145 to superseded 19 CFR part 9.)

Revised Section	Superseded Section
145.0	New
145.1(a)-(c)	9.0
145.2(a)-(c)	New
145.3	9.13
145.4(a)-(d)	9.5
145.5	9.10(d)
145.11(a) and (b)	9.1(a)
145.11(c)	9.1(b)
145.11(d)	New
145.12(a)	9.4
145.12(b)	9.3(a) and (d)
145.12(c)	New
145.12(d)	9.3(b) and (c)
145.13(a) and (b)	9.8(a)
145.14(a)-(c)	New
145.21	New
145.22	9.10(a) and (b)

Revised Section	Superseded Section
145.23	9.10(b)
145.24	9.10(b)
145.25	New
145.26	New
145.31	9.6(a)
145.32	9.6(b)
145.33	New
145.34(a)	New
145.34(b)	9.4
145.35	9.3(b)
145.36	9.3(c), 9.9(a) and (b)
145.37(a)	9.7(c)
145.37(b)	9.7(b)
145.37(c)	9.7(a)
145.38	New
145.39	New
145.40(a)-(d)	9.11(b)
145.41	9.3(b), 9.9(a) and (b)
145.42(a) and (b)	9.9(a)
145.51(a) and (b)	9.12(d) and (e)
145.52	New
145.53	9.12(a)
145.54(a)-(c)	New
145.55	New
145.56	New
145.57	9.12(c)
145.58	New
145.59	9.12(d)
145.71(a)-(c)	9.11(a)
145.72	9.11(a)

[FR Doc.73-10040 Filed 5-18-73; 8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-130]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of part 1914 of subchapter B of chapter X of title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Florida	Wakulla	St. Marks, town of				May 21, 1973. Emergency.
Louisiana	Richland Parish	Unincorporated areas				May 14, 1973. Emergency.
Do.	do.	Rayville, town of				Do.
Do.	Tensas Parish	Waterproof, town of				Do.
Michigan	Tuscola	Wilder, township of				May 21, 1973. Emergency.
Do.	Wayne	River Rouge, city of				Do.
Mississippi	Bolivar	Benoit, town of				May 14, 1973. Emergency.
Do.	do.	Boyle, town of				Do.
Do.	do.	Gunnison, town of				Do.
Do.	do.	Rosedale, city of				Do.
Do.	Sharkey	Unincorporated areas				Do.
Do.	do.	Anguilla, town of				Do.
Do.	do.	Cary, town of				Do.
Do.	do.	Rolling Fork, city of				Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Do.	Sunflower	Inverness, town of				Do.
Do.	do	Ruleville, town of				Do.
Do.	do	Sunflower, town of				Do.
Do.	Washington	Arcola, town of				Do.
Do.	Yazoo	Unincorporated areas				Do.
New York	Niagara	Wilson, town of				May 21, 1973.
Pennsylvania	Allegheny	Millvale, borough of				Emergency.
Virginia	Fairfax	Herdson, town of				Do.
Wisconsin	Oconto	Unincorporated areas				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2080, Feb. 27, 1969.)

Issued May 14, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc. 73-9971 Filed 5-18-73; 8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

PART 130—STATE CONTINUING PLANNING PROCESS

Interim Regulations; Extension of Comment Period

The Environmental Protection Agency published interim regulations to implement section 303(e) of the Federal Water Pollution Control Act Amendments of 1972 in a notice of interim regulations, 40 CFR part 130, which was published in the FEDERAL REGISTER on March 27, 1973, 38 FR 8034.

Part 130 describes the State continuing planning process required by section 303(e) of the act. A companion regulation to describe preparation of plans pursuant to State continuing planning process, 40 CFR part 131, has not yet been published. Because of the interrelationship of parts 130 and 131, it is believed that opportunity should be provided for the public to comment on each of these regulations after review of both.

Therefore, the Environmental Protection Agency will consider all comments on this notice of interim regulation, part 130, received on or before the day 30 days after the date of publication of 40 CFR part 131.

Dated May 16, 1973.

ROBERT L. SANSOM,
Assistant Administrator
for Air and Water Programs.

[FR Doc. 73-10065 Filed 5-18-73; 8:45 am]

SUBCHAPTER E—PESTICIDE PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Nicotine

A petition (PP 1F1107) was filed by Black Leaf Products Co., P.O. Box 868,

Highland Park, Ill. 60035, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for residues of the insecticide nicotine (3-(1-methyl-2-pyrrolidyl)pyridine) in the raw agricultural commodities eggs and the meat, fat, and meat byproducts of poultry at 1 part per million.

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The insecticide is useful for the purpose for which the tolerances are being established.

2. Residues of this insecticide in eggs and the meat, fat, and meat byproducts of poultry will not exceed the proposed tolerances.

3. There is no reasonable expectation of residues in milk and meat (except poultry) and § 180.6(a)(3) applies.

4. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), part 180 is amended by adding to subpart C the following new section:

§ 180.167a Nicotine; tolerances for residues.

Tolerances of 1 part per million are established for residues of the insecticide nicotine (3-(1-methyl-2-pyrrolidyl)pyridine) in the raw agricultural commodities eggs and the meat, fat, and meat byproducts of poultry.

Any person who will be adversely affected by the foregoing order may at any time on or before June 20, 1973, file with the Hearing Clerk, Environmental Pro-

tection Agency, room 3902A, Fourth and M Streets SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date.—This order shall become effective May 21, 1973.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2).)

Dated May 16, 1973.

HENRY J. KOPF,
Deputy Assistant Administrator
for Pesticide Programs.

[FR Doc. 73-10063 Filed 5-18-73; 8:45 am]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Paraquat

Two petitions (PPs 3F1335 and 3F1336) were filed by Chevron Chemical Co., 940 Hensley Street, Richmond, Calif. 94804, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a) proposing establishment of tolerances for residues of the desiccant, defoliant, and herbicide paraquat (1,1'-dimethyl-4,4'-bipyridinium) derived from application of either the dichloride or bis(methylsulfate) salt (calculated in both instances as the cation) in or on the raw agricultural commodities passion fruit at 0.2 p/m and guava at 0.05 p/m (negligible residue).