

[Docket No. 12059; Amdt. 39-1648]

PART 39—AIRWORTHINESS DIRECTIVES
SIAM Marchetti Model S.205 Airplanes

A proposal to amend part 39 of the Federal Aviation regulations to include an airworthiness directive (AD), requiring a modification to provide a means for periodic lubrication of the main and nose landing gear torque link pins and bolts on specified SIAM Marchetti model S.205 airplanes was published on July 25, 1972, in the FEDERAL REGISTER (37 FR 14815).

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR § 11.89), § 39.13 of part 39 of the Federal Aviation regulations is amended by adding the following new airworthiness directive:

SIAM MARCHETTI: Applies to SIAM Marchetti model S.205 airplanes, serial numbers 001, 002, 003, 101 through 399, and 4-101 through 4-212.

Compliance is required within the next 100 hours' time in service after the effective date of this AD unless already accomplished.

To provide a means for periodic lubrication of the main and nose landing gear torque link pins and bolts accomplished the following in accordance with SIAM Marchetti service bulletin No. SB 205B35 dated March 13, 1972, or an FAA-approved equivalent:

(a) Remove the existing main and nose landing gear center torque link hinge bolts and main and nose landing gear upper and lower torque link to landing gear pins.

(b) Clean the bushings by removing rust residue; install the following bolts, pins, and grease fittings in the locations indicated, and check the fit between the pins and bushings.

(1) Install new pins and grease fittings, P/N 205-9-043-01, in the upper and lower main gear torque link to main gear leg connections with the grease fittings pointing toward the airplane centerline.

(2) Install new bolts with grease fittings, P/N 205-9-063-01, in the main landing gear upper to lower torque link connections.

(3) Install new pins, P/N 205-9-137-11 and P/N 205-9-138-11, in the upper and lower torque link to nose landing gear leg connections, respectively, and install grease fittings, P/N 205-9-154-01.

(4) Install a new bolt with grease fitting, P/N 205-9-153-01, in the nose landing gear upper to lower torque link connection.

This amendment becomes effective June 22, 1973.

Issued in Washington, D.C., on May 16, 1973.

C. R. MELUGIN, Jr.,
 Acting Director,
 Flight Standards Service.

[FR Doc. 73-10208 Filed 5-22-73; 8:45 am]

[Docket No. 12050; Amdt. 39-1647]

PART 39—AIRWORTHINESS DIRECTIVES
SIAM Marchetti Models S.205 and S.208 Airplanes

A proposal to amend part 39 of the Federal Aviation regulations to include an airworthiness directive (AD), applicable to certain SIAM Marchetti models S.205 and S.208 airplanes, requiring inspections for frayed flap or aileron cables and for contact between those cables and the metallic cup, P/N 205-1-156-11, and the replacement of the cables and rework of the cup, if necessary, was published on July 13, 1972, in the FEDERAL REGISTER (37 FR 13719).

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR § 11.89), § 39.13 of part 39 of the Federal Aviation regulations is amended by adding the following new airworthiness directive:

SIAM-MARCHETTI: Applies to SIAM Marchetti, model S.205 airplanes, serial Nos. 001 through 003, 101 through 399, 4-101 through 4-165, 4-167 through 4-215, 4-227, 4-232 through 4-252, 4-254, 4-267, 4-268, 4-270, 4-271, 4-273, 4-274, 4-282, 4-285, 5-302, 5-303, 5-406; and model S.208 airplanes serial Nos. 001 through 003, 1-03 through 1-15, 2-16 through 2-22, 2-47 through 2-50, 369, 3-100, 4-51, 4-231, 4-233, and 4-256 through 4-258.

Compliance is required as indicated unless already accomplished.

To detect frayed or improperly aligned flap and aileron control cables at the passage of the cables from the fuselage to the wings, accomplish the following:

(a) Within the next 100 hours' time in service after the effective date of this AD, inspect the flap and aileron control cables in the area of passage from the fuselage to the wings for fraying or contact with the metallic cup, P/N 205-1-156-11, in accordance with SIAM Marchetti service bulletin No. 205B31 dated January 14, 1972, or FAA-approved equivalent.

(b) If frayed flap or aileron control cables or contact between the control cables and the metallic cup, P/N 205-1-156-11, are found during the inspection required by paragraph (a), before further flight, except that the airplane may be flown in accordance with FAR 21.197 to a base where the repair can be performed, replace any frayed cables and rework the metallic cup, P/N 205-1-156-11, in accordance with SIAM Marchetti service bulletin No. 205B31 dated January 14, 1972, or FAA-approved equivalent.

This amendment becomes effective June 22, 1973.

Issued in Washington, D.C., on May 15, 1973.

C. R. MELUGIN, Jr.,
 Acting Director,
 Flight Standards Service.

[FR Doc. 73-10209 Filed 5-22-73; 8:45 am]

Title 19—Customs Duties

**CHAPTER I—BUREAU OF CUSTOMS,
 DEPARTMENT OF THE TREASURY**

[T.D. 73-140]

**CARRIERS, CARTMEN, AND LIGHTERMEN;
 CARTAGE AND LIGHTERAGE OF MER-
 CHANDISE**

On October 19, 1972, notice of proposed rulemaking pertaining to a revision of the Customs regulations relating to carriers, cartmen, and lightermen, and cartage, and lighterage of merchandise (19 CFR 18.1 and pt. 21), was published in the FEDERAL REGISTER (37 FR 22381). This revision is part of the general revision of the Customs Regulations and establishes procedures for the bonding of carriers, the licensing of cartmen and lightermen, and the issuance of identification cards to the employees of cartmen and lightermen. It also provides for the revocation or suspension of licenses and identification cards. The second part of this revision set forth the procedures governing cartage, and lighterage, and the duties, and liabilities of cartmen, and lightermen in the cartage of merchandise.

After consideration of all comments received, there were no changes made in the proposed part 112 and part 125.

There is included as part of the revision a parallel reference table showing the relationship of sections in part 112 and part 125 to the superseded sections in 19 CFR 18.1 and part 21.

Accordingly, new parts 112 and 125, with the conforming changes in parts 18, 21, 24, and 172 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 May 23, 1973.

[SEAL]

VERNON D. ACREE,
 Commissioner of Customs.

Approved May 14, 1973.

EDWARD L. MORGAN,
 Assistant Secretary of the
 Treasury.

**PART 18—TRANSPORTATION IN BOND
 AND MERCHANDISE IN TRANSIT**

§ 18.1 [Amended]

Section 18.1 is amended by deleting paragraphs (c), (d), (e), and (f).

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

**PART 21—CARTAGE AND LIGHTERAGE
 [DELETED]**

Chapter I of Title 19, Code of Federal Regulations, is amended by deleting Part 21—Cartage and Lighterage.

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

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

§ 24.12 [Amended]

In § 24.12, paragraph (a)(1) is amended by deleting subdivisions (ii) and (iv).

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

PART 112—CARRIERS, CARTMEN, AND LIGHTERMEN

Chapter I of Title 19, Code of Federal Regulations, is amended by adding Part 112 entitled "Carriers, Cartmen, and Lightermen" to read as follows:

- Sec.
112.0 Scope.
- Subpart A—General Provisions**
- 112.1 Definitions.
112.2 Bond or license required.
- Subpart B—Authorization of Carriers To Carry Bonded Merchandise**
- 112.11 Carriers which may be authorized.
112.12 Application for authorization.
112.13 Approval of applications.
112.14 Discontinuance of carrier bonds.
112.15 Publication of approvals and discontinuance of carrier bonds.
- Subpart C—Licensing of Cartmen and Lightermen**
- Sec.
112.21 License required.
112.22 Application for license.
112.23 Investigation of applicant.
112.24 Issuance of license.
112.25 Bonded carriers.
112.26 Duration of license.
112.27 Marking of vehicles and vessels.
112.28 Production of license.
112.29 Records.
112.30 Suspension or revocation of license.
- Subpart D—Identification Cards**
- 112.41 Identification cards required.
112.42 Application for identification card.
112.43 Form of identification card.
112.44 Changes in information on identification cards.
112.45 Surrender of identification cards.
112.46 Report of loss or theft.
112.47 Wrongful presentation.
112.48 Revocation or suspension of identification cards.
112.49 Temporary identification cards.

AUTHORITY.—R.S. 251, as amended, secs. 551, 565, 624, 46 Stat. 742, as amended, 747, as amended, 759; 19 U.S.C. 66, 1551, 1565, 1624.

§ 112.0 Scope.

This part sets forth regulations providing for the bonding of carriers which will receive merchandise for transportation in bond, and the licensing of cartmen and lightermen for the cartage of merchandise entered for warehouse, designated for examination, or taken into custody as unclaimed, and the procedures in applying for such bonds or licenses. This part also sets forth the regulations concerning the obtaining of identification cards by cartmen and lightermen, and their employees and the procedures for revoking or suspending licenses and identification cards. Provisions setting forth the duties and responsibilities of cartmen and lightermen are set forth in Part 125 of this chapter.

Subpart A—General Provisions

§ 112.1 Definitions.

When used in this part, the following terms shall have the meaning indicated:

(a) *Carrier*. A "carrier" is one who undertakes to transport goods, merchandise or people.

(b) *Cartman*. A "cartman" is one who undertakes to transport goods or merchandise within the limits of the port.

(c) *Common carrier*. A "common carrier" is a carrier owning or operating a railroad, steamship, or other transportation line or route which undertakes to transport goods or merchandise for all of the general public who choose to employ him.

(d) *Contract carrier*. A "contract carrier" is a carrier which undertakes to transport specific goods or merchandise for a specific person or group of persons, and is authorized to operate as such by any agency of the United States.

(e) *Freight forwarder*. A "freight forwarder" is one who engages in the business of dispatching shipments on behalf of other persons, for a consideration, in foreign or domestic commerce between the United States, its territories or possessions, and foreign countries, and of handling the formalities incident to such shipments, and is authorized to operate as such by any agency of the United States.

(f) *Lighterman*. A "lighterman" is one who transports goods or merchandise on a barge, scow, or other small vessel to or from a vessel within the port, or from place to place within a port.

(g) *Private carrier*. A "private carrier" is a carrier of his own goods or merchandise.

§ 112.2 Bond or license required.

(a) *Carriers*. A bond provided for in this part is required to transact business as a carrier receiving merchandise for transportation in bond.

(b) *Cartmen and lightermen*. A bond and license provided for in this part are required to transact business as a cartman or lighterman for the cartage or lighterage of merchandise entered for warehouse, designated for examination, taken to container stations, or taken into custody as unclaimed.

Subpart B—Authorization of Carriers To Carry Bonded Merchandise

§ 112.11 Carriers which may be authorized.

(a) *From port to port in the United States*. The district director may authorize the following types of carriers to receive merchandise for transportation in bond from one port to another in the United States upon compliance with the provisions of this subpart:

- (1) Common carriers.
- (2) Contract carriers.
- (3) Freight forwarders.
- (4) Private carriers, if:
 - (i) The private carrier is the proprietor of a Customs bonded warehouse;
 - (ii) The merchandise to be transported is his property, having been im-

ported by him or purchased from another importer; and

(iii) The merchandise is to be transported from the port of importation or port of entry for warehouse to the private carrier's Customs bonded warehouse for physical deposit.

(b) *Between ports in Canada or Mexico through the United States*. Canadian and Mexican motor vehicle common carriers may be authorized to transport merchandise under bond between ports in Canada or Mexico through the United States (see Part 123 of this chapter), upon compliance with the provisions of this subpart.

§ 112.12 Application for authorization.

(a) *General requirements*. All carriers and freight forwarders desiring to be authorized to receive merchandise for transportation in bond shall file with the district director concerned a bond on Customs Form 3587 (except private carriers which file on Customs Form 3588 and airline companies which have the option to file a consolidated aircraft bond, Customs Form 7605 or the Customs Form 3587), in a sum specified by the district director accompanied by a fee of \$50. A check or money order shall be made payable to the Bureau of Customs.

(b) *Special requirements*. In addition to the requirements in paragraph (a) of this section, the specified carriers shall also file with the district director the following documents:

(1) *Common carriers other than railroad, steamship, or airline companies*. Common carriers other than railroad, steamship, or airline companies generally known to be engaged in common carriage, shall file a certified extract of its articles of incorporation or charter showing that it is authorized to engage in common carriage, and a statement that it is operating or intends to operate as a common carrier.

(2) *Contract carriers and freight forwarders*. Contract carriers and freight forwarders shall file a certificate from the appropriate agency of the United States showing that the applicant is authorized to operate as a contract carrier or freight forwarder by that agency and a statement showing that the applicant is operating or intends to operate as such.

(3) *Private carriers*. If the private carrier is the proprietor of Customs bonded warehouses in two or more Customs districts to which imported merchandise will be transported, he shall file the bond with the district director for one of such districts, accompanied by a statement showing the location of each such warehouse and an additional copy of the bond for each additional district.

(4) *Motor carriers*. All motor carriers shall file:

- (i) A detailed description of the terminal facilities employed by the principal at the points of origin and destination on the routes covered; and
- (ii) A statement showing that facilities are available for the segregation and safeguarding of the packages designated

by the district director for examination from a particular shipment.

§ 112.13 Approval of applications.

The district director shall approve an application for authorization as carriers of bonded merchandise and the bond filed, authorizing the applicant to act as a carrier of bonded merchandise provided he is satisfied that:

(a) The amount of the bond is sufficient.

(b) All documents required by this subpart have been furnished and are in proper form; and

(c) The fee prescribed has been paid.

§ 112.14 Discontinuance of carrier bonds.

Carrier bonds may be discontinued at any time by the Commissioner of Customs or by the district director of the district where the bond is filed. Authorized carriers desiring to terminate such bonds shall make application therefor to such district director.

§ 112.15 Publication of approvals and discontinuances of carrier bonds.

Approvals and discontinuances of carrier's bonds will be published from time to time in the weekly Customs Bulletin.

Subpart C—Licensing of Cartmen and Lightermen

§ 112.21 License required.

A customhouse cartage or lighterage license issued by the district director in accordance with this part or specific authorization of the Commissioner of Customs shall be required to perform Customs cartage or lighterage, except as provided for in §§ 18.3 and 125.12 of this chapter.

§ 112.22 Application for license.

(a) *General requirements.* An applicant for a customhouse cartage or lighterage license shall file with the district director for the district in which he proposes to conduct business the following:

(1) A bond on Customs Form 3855 in a sum specified by the district director.

(2) Payment of a fee of \$50. A check or money order shall be made payable to the Bureau of Customs.

(3) If required by the district director, a list showing the names and addresses of the managing officers and members of the organization or of the persons who will receive or transport imported merchandise which has not been released from Customs custody, or a list of all such persons and their addresses.

(b) *Special requirements.*—(1) *Cartman licensed by city or State.* Any cartman licensed by city or State authorities shall present to the district director his city or State license, after which such documents shall be returned.

(2) *Lighterman.* A lighterman shall present his vessel's marine documents, if any have been issued, to the district director for examination, after which such documents shall be returned.

§ 112.23 Investigation of applicant.

The district director may refer the application for a cartman's or lighterman's

license to the Customs special agent in charge for the district in which the application is filed for investigation and report concerning the character, qualification, and experience of the applicant as well as the nature and fitness of the equipment to be used.

§ 112.24 Issuance of license.

The district director shall issue a customhouse cartage and lighterage license on Customs Form 3857 provided he is satisfied that:

(a) The character, qualifications, and experience of the applicant and fitness of his equipment are satisfactory.

(b) The applicant has complied with all the requirements of § 112.22.

§ 112.25 Bonded carriers.

A carrier or freight forwarder who has filed a carrier's bond, Customs Form 3587, or a carrier who has filed a private carrier's bond, Customs Form 3588, may be appointed or licensed as a Customs cartman or lighterman for a port for which such bond provides coverage, upon compliance with § 112.22. Investigation pursuant to § 112.23 may apply.

§ 112.26 Duration of license.

A license issued in accordance with this subpart shall remain in force and effect as long as the required bond is considered sufficient or until the license is suspended, revoked, or terminated pursuant to § 112.30.

§ 112.27 Marking of vehicles and vessels.

(a) *Marking required.* Every vehicle licensed by Customs for cartage and every barge, scow, or other lighter licensed by Customs for lighterage shall be marked with the legend "Customhouse License No. _____", and the name of the person or firm to whom the license has been issued. The abbreviated legend "C.H.L. No. _____" may be used.

(b) *Size of marking.* The marking required by this section shall appear in letters and figures not less than 3 inches high.

(c) *Place of marking.*—(1) *Carts, trucks, drays, and other vehicles.* Every cart, truck, dray, or other vehicle used for Customs cartage by a licensed cartman shall be marked with the required legend and name on each side by painting directly onto the vehicle, or by the permanent attachment of signs bearing the required marking. However, if such marking is found by the district director to be impractical, he may designate some other conspicuous place upon the vehicle where the marking shall appear.

(2) *Barges, scows, lighters, and other vessels.* Every barge, scow, lighter, or other vessel used for Customs lighterage by a licensed lighterman shall be conspicuously marked with the required legend and name.

(d) *Removal of marking upon termination of license.* The markings required by this section shall be removed upon termination of the license in accordance with the provisions of the bond, Customs Form 3855, or the cartman or lighter-

man shall be liable for the payment of liquidated damages as provided in such bond.

§ 112.28 Production of license.

Inspectors or other Customs officers may require any person claiming to be a licensed customhouse cartman or lighterman to produce his license for inspection.

§ 112.29 Records.

(a) *Records of cartage and lighterage.* The district director may require that licensed Customs cartmen and lightermen shall make, keep, and promptly submit for Customs inspection and examination upon request therefor such current written records relating to cartage and lighterage as may be needed for purposes of local Customs administration.

(b) *Current list of officers, members, or employees.* The district director may require a licensee to furnish, at such times and intervals as the district director deems necessary, a current list showing the names and addresses of the managing officers and members of the organization or of the persons who will receive or transport imported merchandise which has not been released from Customs custody, or a list of all such persons and their addresses.

§ 112.30 Suspension or revocation of license.

(a) *Grounds for suspension or revocation of licenses.* The district director may revoke or suspend the license of a cartman or lighterman if:

(1) His license is not promptly produced upon demand;

(2) His vehicle or vessel is not properly marked, as required by § 112.27;

(3) The cartman or lighterman refuses or neglects to obey any proper order of a Customs officer or any Customs order, rule, or regulation relative to the cartage or lighterage of merchandise, including the making, keeping, and submitting of current written records relating to cartage and lighterage;

(4) The license was obtained through fraud or the misstatement of a material fact;

(5) The holder of such a license or an officer of a corporation holding such a license is convicted of a felony, or is convicted of a misdemeanor involving theft, smuggling, or a theft-connected crime;

(6) The holder of such license permits it to be used by any other person;

(7) The holder of such license fails to surrender promptly, or satisfactorily explain the failure to surrender, to the district director, identification cards of persons no longer employed by him where identification cards are required pursuant to § 112.41;

(8) The holder of such license fails to furnish a current list of names and addresses of officers and members or employees when required by the district director pursuant to § 112.29;

(9) The holder is guilty of any negligence, dishonest or deceptive practices

or carelessness in the conduct of his business; or

(10) The district director determines that the bond is not sufficient in amount or lacks sufficient sureties, and a satisfactory new bond with good and sufficient sureties is not furnished within a reasonable time.

(b) *Notice of revocation or suspension.* The district director shall suspend or revoke a license by serving notice of the proposed action in writing upon the holder of the license. Such notice shall be in the form of a statement specifically setting forth the grounds for revocation or suspension of the license and shall be final and conclusive upon the licensee unless he shall file with the district director a written notice of appeal in accordance with paragraph (c) of this section.

(c) *Notice of appeal.* The licensee may file a written notice of appeal from the revocation or suspension within 10 days following receipt of the notice of revocation or suspension. The notice of appeal shall be filed in duplicate, and shall set forth the response of the licensee to the statement of the district director. The licensee in his notice of appeal may request a hearing.

(d) *Hearing on appeal.*—(1) *Notification of and time of hearing.* If a hearing is requested, it shall be held before a hearing officer designated by the Secretary of the Treasury or his designee within 30 days following application therefor. The licensee shall be notified of the time and place of the hearing at least 5 days prior thereto.

(2) *Conduct of hearing.* The holder of the license may be represented by counsel at the revocation or suspension hearing. All evidence and testimony of witnesses in such proceeding, including substantiation of charges and the answer thereto, shall be presented with both parties having the right of cross-examination. A stenographic record of the proceedings shall be made and a copy thereof shall be delivered to the licensee. At the conclusion of such proceedings or review of a written appeal, the hearing officer or the district director, as the case may be, shall forthwith transmit all papers and the stenographic record of the hearing, if held, to the Commissioner of Customs, together with his recommendation for final action.

(3) *Additional arguments.* Following a hearing and within 10 calendar days after delivery of a copy of the stenographic record, the licensee may submit to the Commissioner of Customs in writing additional views and arguments on the basis of such record.

(4) *Failure to appear.* If neither the licensee nor his attorney appear for a scheduled hearing, the hearing officer shall conclude the hearing and transmit all papers with his recommendation to the Commissioner of Customs.

(e) *Decision on the appeal.* The Commissioner shall render his decision, in writing, stating his reasons therefor,

with respect to the action proposed by the hearing officer or the district director. Such decision shall be transmitted to the district director and served by him on the licensee.

Subpart D—Identification Cards

§ 112.41 Identification cards required.

A district director may require each licensed cartman or lighterman and each employee thereof who receives, transports, or otherwise handles imported merchandise which has not been released from Customs custody to carry and display upon request of a Customs officer, an identification card issued by the Bureau of Customs. The card shall be in the possession of the person in whose name it is issued at all times when he is engaged in transactions with respect to imported merchandise. An identification card shall not be issued to any person whose employment in connection with the transportation of bonded merchandise will, in the judgment of the district director, endanger the revenue.

§ 112.42 Application for identification card.

An application for an identification card required pursuant to § 112.41, shall be filed personally by the applicant with the district director on Customs Form 3078 together with two 1¼" x 1¼" color photographs of himself. The fingerprints of the applicant shall also be required on Standard Form 87 at the time of the filing of the application. The application may be referred to the Customs special agent in charge for investigation and report concerning the character of the applicant.

§ 112.43 Form of identification card.

The identification card shall be issued on Customs Form 3873 and shall not be valid unless signed by the employee and a Customs officer and the U.S. Customs seal is impressed thereon. The holder shall encase the card in protective transparent plastic so that both sides are clearly visible.

§ 112.44 Changes in information on identification cards.

Where there has been a change in the name, address, or employer of the holder, the card shall be promptly submitted by the cardholder to the district director, supported by application in proper form indicating the change so that it may be officially changed on the Customs records. New cards shall be issued when necessary.

§ 112.45 Surrender of identification cards.

The identification card shall be surrendered by the holder or licensee to the district director when:

(a) The employee holder leaves the employment of the licensed cartman or lighterman;

(b) The cartman or lighterman bond or license is terminated; or

(c) The card is revoked or suspended pursuant to § 112.48.

§ 112.46 Report of loss or theft.

The loss or theft of an identification card shall be promptly reported by the cardholder to the district director.

§ 112.47 Wrongful presentation.

If an identification card is presented by a person other than the one to whom it was issued, such card shall be forthwith confiscated.

§ 112.48 Revocation or suspension of identification cards.

(a) *Grounds for revocation or suspension of identification cards.* An identification card issued pursuant to this part may be revoked or suspended by the district director for any of the following grounds:

(1) Such card was obtained through fraud or the misstatement of a material fact;

(2) The holder of such card is convicted of a felony, or convicted of a misdemeanor involving theft, smuggling, or any theft-connected crime;

(3) The holder permits the card to be used by any other person, or refuses to produce it upon the proper demand of a Customs officer; or

(4) The holder fails to abide by the rules and regulations prescribed in § 112.45 and Part 125 of this chapter.

(b) *Notice of revocation or suspension.* The district director shall suspend or revoke an identification card by serving notice of the proposed action in writing upon the holder of the card. Such notice shall be in the form of a statement specifically setting forth the grounds for revocation or suspension of the card and shall be final and conclusive upon the holder unless he shall file with the district director a written notice of appeal in accordance with paragraph (c) of this section.

(c) *Notice of appeal.* The holder may file a written notice of appeal from the revocation or suspension within 10 days following receipt of the notice of revocation or suspension. The notice of appeal shall be filed, in duplicate, and shall set forth the response of the holder to the statement of the district director. The holder in his notice of appeal may request a hearing.

(d) *Hearing on appeal.*—(1) *Notification of and time of hearing.* If a hearing is requested, it shall be held before a hearing officer designated by the Secretary of the Treasury or his designee within 30 days following application therefor. The holder shall be notified of the time and place of hearing at least 5 days prior thereto.

(2) *Conduct of hearing.* The holder of the card may be represented by counsel at the revocation or suspension hearing. All evidence and testimony of witnesses in such proceeding, including substantiation of charges and the answer thereto, shall be presented with both parties having the right of cross-examination. A

stenographic record of the proceedings shall be made and a copy thereof shall be delivered to the cardholder. At the conclusion of such proceedings or review of a written appeal, the hearing officer or the district director, as the case may be, shall forthwith transmit all papers and the stenographic record of the hearing, if held, to the Commissioner of Customs, together with his recommendation for final action.

(3) *Additional arguments.* Following a hearing and within 10 calendar days after delivery of a copy of the stenographic record, the holder of the card may submit to the Commissioner of Customs in writing additional views and arguments on the basis of such record.

(4) *Failure to appear.* If neither the cardholder nor his attorney appear for a scheduled hearing, the hearing officer shall conclude the hearing and transmit all papers with his recommendation to the Commissioner of Customs.

(e) *Decision on the appeal.* The Commissioner shall render his decision, in writing, stating his reasons therefor, with respect to the action proposed by the hearing officer or the district director. Such decision shall be transmitted to the district director and served by him on the cardholder.

§ 112.49 Temporary identification cards.

(a) *Issuance.* When an identification card is required by the district director under § 112.41, and the district director determines that the application for the identification card cannot be administratively processed in a reasonable period of time, any licensed cartman or lighterman may upon written request have a temporary identification card issued by the district director to his employee if he can show to the satisfaction of the district director that a hardship to his business would result pending issuance of an identification card.

(b) *Validity and renewal.* The temporary identification card shall be valid for a period of 60 days. The district director may renew the temporary identification card for additional 30-day periods if he feels that the circumstances under which the temporary identification card was originally issued continue to exist. The temporary identification card shall be returned by the holder or licensee to the district director when the identification card is issued or the privileges granted thereby are withdrawn.

(c) *Withdrawal of temporary card.* The temporary identification card may be withdrawn at any time if in the judgment of the district director continuation of the privileges granted thereby would endanger the revenue or if the holder of the temporary identification card refuses or neglects to obey any proper order of a Customs officer or any Customs order, rule, or regulation.

(d) *Bond.* The licensed cartman or lighterman shall as a condition precedent to the issuance of a temporary identification card to his employee be required to post a bond in a penal sum, the amount to be determined by the district

director, to guarantee return of the temporary identification card by the holder upon its withdrawal or upon issuance of a permanent identification card and to cover any loss or damage caused to the United States by the holder of the temporary identification card. The bond shall be in the following format:

District _____
No. _____
BUREAU OF CUSTOMS
BOND OF CUSTOMS CARTMAN FOR ISSUANCE OF
TEMPORARY IDENTIFICATION CARD

Know all men by these presents that _____ as principal, and _____ of _____ as sureties, are held and firmly bound unto the United States of America in the sum of _____ dollars (\$ _____), for payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

Witness our hands and seals this _____ day of _____, 19____.

*If the principal or surety is a corporation, the name of the State in which incorporated also shall be shown.

Whereas, the said principal has requested the issuance of a temporary identification card for _____; and

(Name of employee)
Whereas, the said principal has satisfied the district director that a hardship to his business would result from the nonissuance of a temporary identification card for the said employee; and

Whereas, the said temporary identification card may be withdrawn at any time by the district director if he believes the continuation of the privileges granted thereby would endanger the revenue or the holder of the temporary identification card refuses or neglects to obey any proper order of a Customs officer or any Customs order, rule, or regulation; and

Whereas, the said principal has executed this obligation as a condition precedent to the issuance of said temporary identification card;

Now, therefore, the condition of this obligation is such that—

(1) If the above-bounden principal for whose benefit the temporary identification card has been issued, shall return the said card upon notice of demand made by the district director or upon the issuance of a permanent card to the said employee; and

(2) If the said principal shall exonerate and hold harmless the United States and its officers from or on account of any risk, loss, damage, or expense of any kind or description caused by the holder of the temporary identification card; and

(3) If the said principal fails to comply with any of the foregoing conditions, shall pay the amount of this obligation as liquidated damages;

Then this obligation to be void; otherwise to remain in full force and effect.

Signed, sealed, and delivered in the presence of—

(Name) (Address) _____ (Seal)
(Name) (Address) _____ (Principal)
(Name) (Address) _____

(Name) (Address) _____ (Seal)
(Name) (Address) _____ (Seal)
(Name) (Address) _____ (Seal)

PART 125—CARTAGE AND LIGHTERAGE OF MERCHANDISE

Chapter I of Title 19, Code of Federal Regulations, is amended by adding Part 125 entitled "Cartage and Lighterage of Merchandise" to read as follows:

Sec. _____
125.0 Scope.

Subpart A—General Provisions

125.1 Classes of cartage.
125.2 Supervision of cartage and lighterage.
125.3 Contracts for Government cartage.

Subpart B—Cartage of Packages for Examination

125.11 Cartage for examination in public stores.
125.12 Cartage for examination at importers' premises or other place.
125.13 Cartage of merchandise withdrawn from general order for regular entry.
125.14 Cartage of unclaimed merchandise.

Subpart C—Importers' Cartage

125.21 Cartage other than for examination.
125.22 Designation of cartman or lighterman.
125.23 Failure to designate.
125.24 Failure of designated cartman or lighterman to appear.

Subpart D—Delivery and Receipt

125.31 Documents used.
125.32 Merchandise delivered to a bonded store or bonded warehouse.
125.33 Procedure on receiving merchandise.
125.34 Countersigning of documents and notation of bad order or discrepancy.
125.35 Report of loss, detention or accident.
125.36 Inability to deliver merchandise.

Subpart E—Liability

125.41 Liability of cartman or lighterman.
125.42 Cancellation of liability.

AUTHORITY.—R.S. 251, as amended, secs. 565, 624, 46 Stat. 747, as amended, 750; 19 U.S.C. 66, 1565, 1624. Additional authority and statutes interpreted or applied are cited in parentheses following the sections affected.

§ 125.0 Scope.

This part is concerned with cartage and lighterage of merchandise and the duties and liabilities of cartmen and lightermen. Provisions for licensing cartmen and lightermen are in Part 112 of this chapter.

Subpart A—General Provisions

§ 125.1 Classes of cartage.

(a) *Government cartage.* Government cartage must be done by a licensed customhouse cartman under contract or other specific authority for that purpose (except as provided for in § 125.12).

(b) *Importers' cartage.* Importers' cartage may be done by any licensed customhouse cartman.

**§ 125.2 Supervision of cartage and light-
erage.**

All licensed vehicles or lighters shall be subject to the control and direction of the officer having charge of the merchandise being carried.

§ 125.3 Contracts for Government cartage.

Contracts for Government cartage shall be procured by formally advertised solicitation for bids and award of contract or by negotiation in accordance with the appropriate provisions of the Federal Procurement Regulations, as supplemented by the special procurement requirements of the Bureau of Customs.

Subpart B—Cartage of Packages for Examination

§ 125.11 Cartage for examination in public stores.

(a) *Government cartage.* The cartage of merchandise in Customs custody designated for examination at the public stores shall be done by a licensed customhouse cartman under contract or other specific authority for that purpose.

(b) *Where there is no contract for Government cartage.* At ports where there is no contract for Government cartage in effect, the cartage of packages designated for examination at the public stores shall be done by a licensed customhouse cartman designated by the district director for this purpose.

(c) *Payment for Government cartmen.* The cost of the cartage shall be paid from the appropriation "Salaries and Expenses; Bureau of Customs."

§ 125.12 Cartage for examination at importers' premises or other place.

Merchandise designated for examination at an importer's premises or other place not in the charge of a Customs officer may be carted, lighted, or carried to any such place by the importer without a cartman's or lighterman's license, when in the judgment of the district director the revenue will not be endangered. Otherwise, such transfer shall be done by a licensed cartman, who shall be the contract cartman whenever practicable.

§ 125.13 Cartage of merchandise withdrawn from general order for regular entry.

When merchandise withdrawn from general order for regular entry is to be conveyed to a place designated by the district director for examination, the cartage shall be at the expense of the importer and shall be under the cartage arrangements established at the port for hauling examination packages under the provisions of § 125.11 (a) and (b). Reimbursement of the cost of the cartage shall be collected from the importer prior to release of the merchandise from Customs custody.

§ 125.14 Cartage of unclaimed merchandise.

Unclaimed merchandise shall be carted to the public stores or a bonded warehouse designated by the district director under the cartage arrangements established at the port for hauling examination packages under the provisions of § 125.11 (a) and (b). Reimbursement of the cost of the cartage shall be collected from the importer prior to release of the merchandise from Customs custody.

house designated by the district director under the cartage arrangements established at the port for hauling examination packages under the provisions of § 125.11 (a) and (b). Reimbursement of the cost of the cartage shall be collected from the importer prior to release if entry is made or from the proceeds of sale of the merchandise.

Subpart C—Importers' Cartage

§ 125.21 Cartage other than for examination.

Any licensed customhouse cartman, including an importer licensed to cart his own imported merchandise, at the expense of the importer or other party in interest, may transfer merchandise from the importing vessel or other conveyance to bonded warehouse, from one vessel or conveyance to another, from one bonded warehouse to another, from the public stores to a bonded warehouse, from warehouse for transportation or for exportation, and from an internal revenue warehouse for exportation under the internal revenue laws without payment of tax. Nothing in this section shall apply to the cartage of examination packages to the place of examination.

§ 125.22 Designation of cartman or lighterman.

Importers and exporters shall designate on the entry and permit of bonded merchandise the bonded cartman or lighterman by whom they wish their merchandise to be conveyed. Approval of such designation shall be indicated on the entry papers by the initials of the appropriate Customs officer placed in close proximity to the designation.

§ 125.23 Failure to designate.

If an importer does not cart his merchandise or designate a licensed customhouse cartman for the purpose, it shall be carted by a public store cartman authorized by contract or designated by the district director for that purpose. The cost of such cartage shall be paid by the importer or owner of the merchandise before its release from Customs custody.

§ 125.24 Failure of designated cartman or lighterman to appear.

The cartman or lighterman designated to convey the merchandise shall be present to take the merchandise when the Customs officer in charge is ready to send it. If the designated vehicle or lighter is not present, after waiting a reasonable time, such officer shall send the merchandise by any licensed cartman or lighterman available.

Subpart D—Delivery and Receipt

§ 125.31 Documents used.

When merchandise is carted or lighted to and received from a bonded store or bonded warehouse, it shall be accompanied by one of the following tickets or documents:

(a) Customs Form 6043—Delivery Ticket.

(b) Customs Form 7502-A—Warehouse or Rewarehouse Entry (Permit).

(c) Customs Form 7505-A—Warehouse Withdrawal for Consumption (Permit).

(d) Customs Form 7505-B—Order to Release Merchandise on Order of the Warehouse Proprietor.

(e) Customs Form 7506—Warehouse Withdrawal Conditionally Free of Duty, and Permit.

(f) Customs Form 7512—Transportation Entry and Manifest of Goods Subject to Customs Inspection and Permit.

§ 125.32 Merchandise delivered to a bonded store or bonded warehouse.

When merchandise is carted or lighted to and received in a bonded store or bonded warehouse, the proprietor or his representative shall check the goods against the accompanying delivery ticket, Customs Form 6043, or copy of warehouse or rewarehouse permit, Customs Form 7502-A, and countersign the document acknowledging receipt of the merchandise as listed thereon.

§ 125.33 Procedure on receiving merchandise.

(a) *From public or bonded store.* A receipt shall be taken from the cartman or lighterman for all goods delivered to him from public store or bonded store. The receipt may be taken on Customs Form 6043, or on the appraising officer's release ticket at the time delivery is made.

(b) *From bonded warehouse.* In case of withdrawals from bonded warehouse for consumption, the merchandise shall be released only to or upon the order of the proprietor of the warehouse, who shall acknowledge such release on Customs Form 7505-A or 7505-B.

(c) *All other cases.* A receipt shall be taken for all goods delivered from Customs custody in any other case where the district director deems such receipt necessary.

§ 125.34 Countersigning of documents and notation of bad order or discrepancy.

When a cartman or lighterman receives merchandise remaining in Customs custody, he shall countersign the appropriate document in the space provided and shall note thereon any bad order or discrepancy. When available, the importing carrier's tally slip for the merchandise shall be attached to the delivery ticket which accompanies the merchandise while it is being carted or lighted in bond, for the use of Customs officers only at destination.

§ 125.35 Report of loss, detention, or accident.

Any loss or detention of bonded merchandise, or any accident happening to a licensed vehicle or lighter while carrying bonded merchandise shall be immediately reported by the cartman or lighterman to the district director.

§ 125.36 Inability to deliver merchandise.

If the warehouse is closed or the warehouseman refuses to receive the merchandise, the cartman shall notify

the appropriate Customs Inspector. The inspector shall promptly report the facts to the district director or his delegated representative for instructions. The merchandise shall then be returned to the Customs Inspector, deposited in the public stores for safekeeping, or handled as ordered by the district director.

Subpart E—Liability

§ 125.41 Liability of cartman or lighterman.

The cartman or lighterman conveying the merchandise, including merchandise covered by a TIR carnet which has not been "taken on charge" (see § 114.22(c) (2) of this chapter), shall be liable under his bond for its prompt delivery in sound condition, or in no worse than the damaged condition noted on the delivery ticket, if damage is so noted.

(Sec. 623, 46 Stat. 759, as amended; 19 U.S.C. 1623)

§ 125.42 Cancellation of liability.

The district director may cancel liquidated damages not in excess of \$20,000 incurred under a cartman's bond or lighterman's bond upon the payment of such lesser amount, or without the payment of any amount, as he may deem appropriate under the circumstances. Application for cancellation of liquidated damages incurred shall be made in accordance with the provisions of Part 172 of this chapter.

(Sec. 623, 46 Stat. 759, as amended; 19 U.S.C. 1623)

PART 172—LIQUIDATED DAMAGES

§ 172.21 [Amended]

In § 172.21, paragraph (b) (4) is amended by substituting "112.12(a)" for "18.1".

In § 172.21, paragraph (b) (5) is amended by substituting "§§ 112.22 and 112.25" for "§ 21.1", and "125.42" for "21.3(c)".

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

PARALLEL REFERENCE TABLE

(This table shows the relation of sections in revised Part 112 to 19 CFR Parts 18, 21, 24, and 25)

Revised Section	Superseded Section
112.0	New
112.1	New
112.2	18.1(c) (1); 21.1(a)
112.11	18.1
112.12	18.1 (a) and (d) 24.12; 25.4(35)
112.13	New
112.14	18.1(f)
112.15	New
112.21	21.1(a)
112.22 (a) and (b)	21.1 (a) and (b)
112.23	New
112.24	New
112.25	21.1(a)
112.26	21.1(a)
112.27	21.1(c)
112.28	21.6
112.29	21.6(a)
112.30(a) (1)-(6)	21.6(b)

Revised Section	Superseded Section
112.30(a) (7) and (8)	21.1(a)
112.30(a) (9)	21.8(a)
112.30(a) (10)	21.1; 21.1(a) C.M.
112.30 (b) and (c)	21.6(c)
112.30(d)	21.6(d)
112.41	21.2(a) (d)
112.42	21.2(b)
112.43	21.2 (c) and (d)
112.44	21.2(f)
112.45	21.2(g)
112.46	21.2(h)
112.49	21.2(e)
112.47	21.2(a)-(c)
112.48(a)-(e)	New

(This table shows the relation of sections in revised Part 125 to 19 CFR Part 21)

Revised Section	Superseded Section
125.0	New
125.1	21.3
125.2	21.7(a)
125.3	21.4(a)
125.11 (a)-(c)	21.4(a)
125.12	21.4(b)
125.13	21.4(c)
125.14	21.4(d)
125.21	21.5 (a) and (b)
125.22	21.5(c)
125.23	21.5(d)
125.24	21.7(b)
125.31	New, 21.9
125.32	21.9(a)
125.33	21.9 (a) and (b)
125.34	21.9 (a) and (b)
125.35	21.9(b)
125.36	21.10
125.41	21.8(a)
125.42	21.8(c)

[FR Doc.73-10254 Filed 5-22-73; 8:45 am]

[T.D. 73-141]

PART 171—FINES, PENALTIES, AND FORFEITURES

PART 172—LIQUIDATED DAMAGES

Signature on Petition

Sections 171.11(b) and 172.11(b) of the Customs regulations were amended by T.D. 72-107 (37 FR 7592; April 18, 1972), to permit attorneys at law and responsible supervisory employees of corporations to sign petitions for relief from liquidated damages and petitions for remission or mitigation of fines, penalties, or forfeitures. The Bureau of Customs has, in the past, as a matter of policy, accepted such petitions when they are signed by customhouse brokers. The amendment referred to has been interpreted to restrict that recognized practice. Therefore, §§ 171.11(b) and 172.11(b), are further amended to specifically provide for customhouse brokers to undertake that activity.

Accordingly, parts 171 and 172 of the Customs regulations are amended as follows:

1. Paragraph (b) of § 171.11 is amended to read:

§ 171.11 Petition for relief.

(b) *Signature*.—The petition for remission or mitigation shall be signed by

the petitioner, his attorney at law, or a customhouse broker representing the petitioner. If the petitioner is a corporation, the petition may be signed by an officer or responsible supervisory employee thereof, an attorney at law, or a customhouse broker representing the corporation.

(R.S. 251, as amended, secs. 618, 624, 46 Stat. 757, as amended, 759; 19 U.S.C. 66, 1618, 1624.)

2. Paragraph (b) of § 172.11 is amended to read:

§ 172.11 Petition for relief.

(b) *Form*.—A petition for relief need not be in any particular form. Such petition shall set forth the facts relied upon by the petitioner to justify cancellation of the claim for liquidated damages, and shall be signed by the petitioner, his attorney at law, or a customhouse broker representing the petitioner. If the petitioner is a corporation, the petition may be signed by an officer or responsible supervisory employee thereof, an attorney at law, or a customhouse broker representing the corporation.

(R.S. 251, as amended, secs. 623, 624, 46 Stat. 759, as amended; 19 U.S.C. 66, 1623, 1624.)

This amendment specifically provides for customhouse brokers to engage in an activity which, as a matter of policy, they have been permitted in the past. Therefore, notice and public procedure under 5 U.S.C. 553(b) is not required. Since the amendment lists an additional segment of the public entitled to engage in a Customs related activity, good cause is found for making it effective at the earliest possible date under 5 U.S.C. 553(d).

Effective date.—This amendment shall be effective May 23, 1973.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved May 14, 1973.

EDWARD L. MORGAN,
Assistant Secretary of
the Treasury.

[FR Doc.73-10253 Filed 5-22-73; 8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

POLYSORBATE 60

The Commissioner of Food and Drugs having evaluated the data in a petition (FAP 2A2713) filed by Atlas Chemical Industries, Inc. (now ICI America, Inc.), Wilmington, Del. 19899, and other relevant material, concludes that the food additive regulations should be amended, as set forth below, to provide for the safe

use of polysorbate 60 as an emulsifier in chocolate flavored syrups whereby the maximum amount of the additive does not exceed 0.05 percent on a dry weight basis.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1) 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120) § 121.1030(c) is amended by adding a new subparagraph (14) as follows:

§ 121.1030 Polysorbate 60.

(c) * * *

(14) As an emulsifier in chocolate flavored syrups, whereby the maximum amount of the additive does not exceed 0.05 percent on a dry weight basis.

Any person who will be adversely affected by the foregoing order may at any time on or before June 22, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date.—This order shall become effective on May 23, 1973.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1).)

Dated May 17, 1973.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc. 73-10278 Filed 5-22-73; 8:45 am]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

POLYETHYLENE TEREPHTHALATE

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 3B2877) filed by E. I. du Pont de Nemours and Co., 1007 Market Street, Wilmington, Del. 19898, and other relevant material, concludes that the food additive regulations should be amended, as set forth below, to extend the present limited use of polyethylene terephthalate, a form of polyethylene phthalate, in the manufacture of film to use in other articles intended to contact food.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2524 is revised to read as follows:

§ 121.2524 Polyethylene phthalate polymers.

Polyethylene phthalate polymers identified in this section may be safely used as, or components of, plastics (films or articles) intended for use in contact with food, in accordance with the following prescribed conditions.

(a) Polyethylene phthalate films consist of a base sheet of ethylene terephthalate polymer or ethylene terephthalate-isophthalate copolymers, to which have been added optional substances, either as constituents of the base sheet or as constituents of coatings applied to the base sheet.

(b) Polyethylene phthalate articles consist of a base polymer of ethylene terephthalate polymer to which have been added optional substances, either as constituents of the base polymer or as constituents of coatings applied to the base polymer.

(c) The quantity of any optional substance employed in the production of polyethylene phthalate plastics does not exceed the amount reasonably required to accomplish the intended physical or technical effect or any limitation further provided.

(d) Any substance employed in the production of polyethylene phthalate plastics that is the subject of a regulation in subpart F of this part conforms with any specification in such regulation.

(e) Substances employed in the production of polyethylene phthalate plastics include:

(1) Substances generally recognized as safe in food.

(2) Substances subject to prior sanction or approval for use in polyethylene phthalate plastics and used in accordance with such sanction or approval.

(3) Substances which by regulation in the subpart F may be safely used as components of resinous or polymeric food-contact surfaces subject to the provisions of such regulation.

(4) Substances identified in this subparagraph subject to the limitations prescribed:

LIST OF SUBSTANCES AND LIMITATIONS

(1) Base sheet:

Ethylene terephthalate copolymers: Prepared by the condensation of dimethyl terephthalate or terephthalic acid with ethylene glycol, modified with one or more of the following: Azelate acid, dimethyl azelate, dimethyl sebacate, sebacic acid.

Ethylene terephthalate-isophthalate copolymers: Prepared by the condensation of dimethyl terephthalate and dimethyl isophthalate with ethylene glycol or terephthalic acid and isophthalic acid with ethylene glycol. The finished copolymers contain 77-83 weight percent of polymer

units derived from ethylene terephthalate.

(ii) Base sheet and base polymer:

Ethylene terephthalate polymer: Prepared by the condensation of dimethyl terephthalate and ethylene glycol.

Ethylene terephthalate polymer: Prepared by the condensation of terephthalic acid and ethylene glycol.

Ethylene terephthalate polymer: Prepared by the condensation of terephthalic acid and ethylene glycol.

(iii) Coatings:

2-Ethylhexyl acrylate copolymerized with one or more of the following:

Acrylonitrile.

Methacrylonitrile.

Methyl acrylate.

Methyl methacrylate.

Itaconic acid.

Vinylidene chloride copolymerized with one or more of the following:

Methacrylic acid and its methyl, ethyl, propyl, butyl, or octyl esters.

Acrylic acid and its methyl, ethyl, propyl, butyl, or octyl esters.

Acrylonitrile.

Methacrylonitrile.

Vinyl chloride.

Itaconic acid.

(iv) Emulsifiers:

Sodium dodecylbenzenesulfonate: As an adjuvant in the application of coatings to the base sheet or base polymer.

Sodium lauryl sulfate: As an adjuvant in the application of coatings to the base sheet or base polymer.

(f) Polyethylene phthalate plastics conforming with the specifications prescribed in paragraph (f)(1) of this section are used as provided in paragraph (f)(2) of this section:

(1) **Specifications.**—(i) The food contact surface, when exposed to distilled water at 250° F. for 2 hours, yields chloroform-soluble extractives not to exceed 0.5 mg/in² of food contact surface exposed to the solvent; and

(ii) The food contact surface, when exposed to *n*-heptane at 150° F. for 2 hours, yields chloroform-soluble extractives not to exceed 0.5 mg/in² of food contact surface exposed to the solvent.

(2) **Conditions of use.**—The plastics are used for packaging, transporting, or holding food, excluding alcoholic beverages, at temperatures not to exceed 250° F.

(g) Polyethylene phthalate plastics conforming with the specifications prescribed in paragraph (g)(1) of this section are used as provided in paragraph (g)(2) of this section.

(1) **Specifications.**—(i) The food contact surface meets the specifications in paragraph (f)(1) of this section; and

(ii) The food contact surface when exposed to 50 percent ethyl alcohol at 120° F. for 24 hours, yields chloroform-soluble extractives not to exceed 0.5 mg/in² of food contact surface exposed to the solvent.

(2) **Conditions of use.**—The plastics are used for packaging, transporting, or holding alcoholic beverages that do not exceed 50 percent alcohol by volume.

(h) Uncoated polyethylene phthalate plastics consisting of a base sheet or base polymer prepared as prescribed from substances identified in paragraphs (e)(4)(i) and (ii) of this section and conforming with the speci-

ications prescribed in paragraph (h) (1) of this section are used as provided in paragraph (h) (2) of this section:

(1) *Specifications.*—(i) The food contact surface, when exposed to distilled water at 250° F. for 2 hours yields chloroform-soluble extractives to not exceed 0.02 mg/in² of food contact surface exposed to the solvent; and

(ii) The food contact surface, when exposed to *n*-heptane at 150° F. for 2 hours, yields chloroform-soluble extractives not to exceed 0.02 mg/in² of food contact surface exposed to the solvent.

(2) *Conditions of use.*—The plastics are used to contain foods during oven baking or oven cooking at temperatures above 250° F.

Any person who will be adversely affected by the foregoing order may at any time on or before June 22, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date.—This order shall become effective on May 23, 1973.

(Sec. 409(c) (1), 72 Stat. 1786; 21 U.S.C. 348(c) (1).)

Dated May 17, 1973.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.73-10277 Filed 5-22-73;8:45 am]

SUBCHAPTER C—DRUGS

PART 132—REGISTRATION OF PRODUCERS OF DRUGS AND LISTING OF DRUGS IN COMMERCIAL DISTRIBUTION

PART 167—IN VITRO DIAGNOSTIC PRODUCTS FOR HUMAN USE

Exemption From Registration and Listing for General Purpose Laboratory Reagents and Equipment

Unless otherwise exempted, persons who manufacture, prepare, propagate, compound, or process drugs are required to register and submit listing information in accordance with the requirements of section 510 of the Federal Food, Drug, and Cosmetic Act. General purpose laboratory reagents that are used in in vitro

diagnostic procedures are drugs and therefore are subject to these registration and listing requirements. Regulations (21 CFR pt. 167) regarding in vitro diagnostic products for human use published in the FEDERAL REGISTER of March 15, 1973 (38 FR 7096), also requested that any person who owns or operates any establishment engaged in the manufacture, preparation, propagation, compounding, or processing of such in vitro diagnostic products as general purpose laboratory equipment (e.g., test tubes and pipettes), register such establishment and list such product(s) in accordance with the procedures established under 21 CFR Part 132.

The Food and Drug Administration has concluded that it is not necessary for the protection of the public health to require or request manufacturers of general purpose laboratory reagents or equipment to register and submit listing information at this time. In view of this conclusion, the Commissioner of Food and Drugs finds that it is appropriate to amend §§ 132.51 and 167.7 (21 CFR 132.51, 167.7) to exempt from registration and drug listing persons engaged solely in the manufacture, preparation, propagation, compounding, or processing of general purpose laboratory reagents and equipment.

Accordingly, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 510, 701(a), 52 Stat. 1053 as amended, 1055 as amended; 21 U.S.C. 360, 371(a)), and the Drug Listing Act of 1972 (Public Law 92-387; 86 Stat. 559-562), and under authority delegated to the Commissioner (21 CFR 2.120), parts 132 and 167 are amended as follows:

1. In part 132, by adding a new paragraph (i) to § 132.51 as follows:

§ 132.51 Exemption for domestic establishments.

(i) Persons who are engaged solely in the manufacture, preparation, propagation, compounding, or processing of a general purpose laboratory reagent (as described in § 167.2(d) of this chapter) intended for use in in vitro diagnostic procedures in the diagnosis of disease or in the determination of the state of health in order to cure, mitigate, treat, or prevent disease or its sequelae.

2. In part 167, by revising the first sentence of § 167.7(a) to read as follows:

§ 167.7 General requirements for manufacturers and producers of in vitro diagnostic products.

(a) *Registration and product listing.* Any person who owns or operates any establishment engaged in the manufacture, preparation, compounding, or processing of an in vitro diagnostic product should register such establishment and list such product(s) in accordance with the procedures established under part 132 of this chapter, except that registration and listing is not required or requested at this time for general purpose laboratory reagents and equipment for which labeling requirements are specified in § 167.2(d).

Notice and public procedures and delayed effective date are not prerequisites to the promulgation of these amendments to the regulations because these amendments remove a burden from the affected segment of the industry, and in no way compromise the protection of the public health.

Effective date.—This order shall be effective May 23, 1973.

(Secs. 510, 701(a), 52 Stat. 1053 as amended, 1055 as amended; 21 U.S.C. 360, 371(a), and the Drug Listing Act of 1972 (Public Law 92-387; 86 Stat. 559-562).)

Dated May 17, 1973.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.73-10276 Filed 5-22-73;8:45 am]

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

Tetracycline Oral Veterinary

The Commissioner of Food and Drugs has evaluated supplemental new animal drug applications (65-069V, 65-066V, and 65-061V) filed by Rachele Laboratories, Inc., 700 Henry Ford Avenue, P.O. Box 2029, Long Beach, Calif. 90801, proposing revised labeling for the safe and effective use of tetracycline capsules, tablets, and liquid for the treatment of dogs. The supplemental applications are approved.

Since the drugs are subject to batch certification under the provisions of section 512(n) of the act, part 146c is amended to provide that the drug, under its approved labeling, shall be dispensed on a prescription basis.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512 (i) and (n), 82 Stat. 347 and 354-351; 21 U.S.C. 360b (i) and (n)) and under authority delegated to the Commissioner (21 CFR 2.120), parts 135c and 146c are amended as follows:

1. Part 135c is amended in § 135c.34 by revising paragraph (b) (2), by adding a new paragraph (b) (3), by designating the first item in table 3, in paragraph (e), as item No. 1, and adding a new item 2., and by adding new tables 4 and 5 to paragraph (e) as follows:

§ 135c.34 Tetracycline oral veterinary.

(b) *Sponsor.* . . .

(2) See code Nos. 035 and 037 in § 135.501(c) of this chapter for conditions of use provided for in table 3, item 1., of paragraph (e) of this section.

(3) See code No. 071 in § 135.501(c) of this chapter for conditions of use provided in table 3, item 2., and tables 4 and 5 in paragraph (e) of this section.

(e) *Conditions of use.*