

significant under Executive Order 12044 as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

Issued in Jamaica, New York, on November 5, 1980.

Lonnie D. Parrish,

Acting Director, Eastern Region.

[FR Doc. 80-35830 Filed 11-14-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 74-NE-19; Amdt 39-3972]

Airworthiness Directives; Pratt & Whitney Aircraft JT9D-7, -7A and -20 Aircraft Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, request for comments.

SUMMARY: This amendment amends an existing Airworthiness Directive (AD) applicable to Pratt & Whitney Aircraft JT9D-7, -7A, and -20 aircraft engines. The amendment is needed because the FAA has determined that specific part numbered second stage turbine nozzle vanes, under certain conditions, may be operated safely beyond the deflection limit contained in the existing AD.

DATES: Effective date—November 17, 1980.

Comments on the rule must be received on or before December 31, 1980.

Compliance schedule—as prescribed in body of AD.

ADDRESS: The applicable maintenance manuals may be obtained from the Boeing Company, Post Office Box 3707, Seattle, Washington 98124, and McDonnell Douglas Corporation, Douglas Aircraft Company, 3855 Lakewood Boulevard, Long Beach, California 90801. The applicable service bulletin may be obtained from Pratt & Whitney Aircraft, 400 Main Street, East Hartford, Connecticut 06108.

A copy of the maintenance manuals and service bulletin is contained in the Rules Docket, Office of the Regional Counsel, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT: Jay J. Pardee, Engine Projects Section, (ANE-214E), Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone: (617) 273-7337.

SUPPLEMENTARY INFORMATION: This amendment amends Amendment 39-1834 (39 FAR 16338), AD 74-10-05, which currently requires a radioisotope

inspection of Pratt & Whitney JT9D-7, -7A, and -20 engines for deflection of second stage turbine nozzle vanes and establishes a maximum permissible deflection limit of 0.070 inches. After issuing Amendment 39-1834, the FAA has determined, based on service experience and analysis, that second stage vanes, P/Ns 735882, 746492, 747082, 772572, and 785992, which incorporate a thick cooling air baffle insert and internal coating, can safely operate with a deflection limit of 0.130 inches in engines operated with the increased cooling airflow provided by Pratt & Whitney Aircraft Service Bulletin 4146. Second stage vanes P/Ns 772572 and 785992 were not previously subject to the requirements of this AD. Therefore, the FAA is amending Amendment 39-1834 by increasing the deflection limit from 0.070 inches for these specific second stage vanes when operated in JT9D-7, -7A, and -20 engines with incorporate increased cooling airflow.

Request for Comments on the Rule

Although this action is in the form of a final rule, which relieves a restriction for certain part numbered second stage vanes and imposes an inspection requirement on two additional part numbered vanes, which affect immediate flight safety and, thus, was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Amendments 39-1834 (39 FAR 16338), AD 74-10-05, as follows:

1. By revising the paragraph beginning with the words "To preclude possible turbine blade or disk failure . . ." to change the phrase "in accordance with paragraph 6 below" to read "in accordance with paragraph 8 below."

2. By revising paragraphs 1a., 1b., 2a., 3a., 3b., 4a., and 4b. to substitute the date "June 7, 1974" for the phrase "the

effective date of this AD" wherever it appears.

3. By revising paragraph 4 to delete second stage vane P/Ns 735882, 747082, and 746492.

4. Renumber present paragraphs 6, 7, and 8 as 8, 9, and 10, respectively.

5. By adding a new paragraph 6 to read:

For engines containing a complete set of second stage vanes 735882, 746492, 747082, 772572, or 785992 that have incorporated Pratt & Whitney Service Bulletin 4146 before operation.

a. For vanes with less than 5000 hours total time in service or less than 5000 hours since the fuel nozzles and supports were cleaned, as of May 10, 1974, inspect prior to the accumulation of 5000 hours total time or 5000 hours since the fuel nozzles and supports were cleaned, or 400 hours time in service after May 10, 1974, whichever occurs later.

b. For vanes with more than 5000 hours total time in service and 5000 or more hours since the fuel nozzles and supports were cleaned, as of May 10, 1974, inspect within the next 400 hours time in service.

c. Repeat the above inspection every 2500 hours time in service thereafter.

6. By adding a new paragraph 7 to read:

If the radioisotope inspection in accordance with paragraph 6 above indicates vane deflection which exceeds 0.130 inches, remove the affected engine from service prior to further flight. Engines with vane deflection greater than 0.070 inches and up to 0.130 inches must be reinspected every 1250 hours time in service thereafter. Engines with vane deflection of 0.070 inches and less must be reinspected every 2500 hours time in service thereafter.

This amendment becomes effective November 17, 1980.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, 49 U.S.C. 1354(a), 1421, and 1423; Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this document involves an emergency regulation under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "For Further Information Contact."

Issued in Burlington, Massachusetts, on November 4, 1980.

Robert E. Whittington,
Director, New England Region.

Note.—The incorporation by reference provision of this document was approved by the Director of the Federal Register on June 19, 1967.

[FR Doc. 80-35829 Filed 11-14-80; 8:45 am]

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DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 10, 19, 113, 144, 153, 159, 174, 175, 177

[T.D. 80-271]

Conforming Amendments Required by the Trade Agreements Act of 1979

AGENCY: U.S. Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: The Trade Agreements Act of 1979 made numerous changes to various provisions of law presently administered in whole or in part by the Customs Service.

This document amends various parts of the Customs Regulations to reflect and implement those provisions of the Act relating to dumping and countervailing duties, the generalized system of preference accorded to articles imported from designated beneficiary developing countries, the collection of duties and taxes on imported distilled spirits, protests, and petitions by American manufacturers, producers, and wholesalers against decisions of district directors of Customs.

EFFECTIVE DATE: The amendments are effective on November 17, 1980.

FOR FURTHER INFORMATION CONTACT:

Marcia Kaplan, Entry Procedures and Penalties Division (202-566-5778) (sections 10.171 (a) and (b), and 10.176 (a), (b) and (c));

John Holl, Office of Inspection (202-566-5354) (sections 19.15 (g) (1) and (2), 144.15(b), and 159.4);

John E. Elkins, Regulations and Research Division (202-566-8237) (Parts 113, 153, and 159, relating to Countervailing and Antidumping Duties);

James Hill, Classification and Value Division (202-566-5786) (Parts 174, 175, and 177); Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

SUPPLEMENTARY INFORMATION:

Background

The Trade Agreements Act of 1979, Pub. L. 96-39, 93 Stat. 144 (the "Act"), approves and implements the trade agreements negotiated by the United States in the Tokyo Round of Multilateral Trade Negotiations (the "MTN"). The Act consists of 11 separate titles relating to the following areas:

Title I, Countervailing and Antidumping Duties,
Title II, Customs Valuation,
Title III, Government Procurement,
Title IV, Technical Barriers to Trade (Product Standards),
Title V, Implementation of Certain Tariff Negotiations,
Title VI, Civil Aircraft Agreement,
Title VII, Certain Agricultural Measures,
Title VIII, Treatment of Distilled Spirits,
Title IX, Enforcement of U.S. Rights,
Title X, Judicial Review, and
Title XI, Miscellaneous Provisions.

The provisions of Title I, Countervailing and Antidumping Duties, were the subject of documents prepared by the Department of Commerce. Title II, Customs Valuation, was the subject of a notice of propose amendments published in the *Federal Register* on March 31, 1980 (45 FR 20912). Customs is presently consulting with various agencies regarding regulations to implement that portion of Title III, Government Procurement, involving Customs. Consultations are also underway with the Department of Agriculture regarding regulations to implement section 506, Title V, Implementation of Certain Tariff Negotiations, relating to certain fresh, chilled, or frozen beef. Regulations implementing these titles as they relate to Customs will be the subject of a separate document. Title VI, Civil Aircraft Agreement, was the subject of a notice of proposed amendments published in the *Federal Register* on January 8, 1980 (45 FR 1633). There is no need to amend the Customs Regulations as a result of the changes made by Title IV, Technical Barriers to Trade (Product Standards), Title VII, Certain Agriculture Measures, and Title IX, Enforcement of U.S. Rights. Accordingly, this document relates only to amendments to the Customs Regulations as a result of the provisions of Title I, Countervailing and Antidumping Duties, Title VIII, Treatment of Distilled Spirits, Title X, Judicial Review, and Title XI, Miscellaneous Provisions. These titles and changes to the Customs Regulations are discussed below.

Title I—Countervailing and Antidumping Duties

Title I repealed the Antidumping Act, 1921, (19 U.S.C. 160 *et seq.*) and

significantly amended section 303, Tariff Act of 1930 (19 U.S.C. 1303), relating to the assessment of countervailing duties.

Subsequent to the foregoing legislative action, Reorganization Plan No. 3 of 1979 (44 FR 69273, December 3, 1979), transferred responsibility for the administration of the antidumping and countervailing duty laws from the Secretary and General Counsel of the Department of the Treasury, and from the Department itself, to the Secretary of Commerce. The transfer of functions was made effective on January 2, 1980, by Executive Order 12188 (45 FR 989). Notice of the transfer was published as T.D. 80-133 in the *Federal Register* on May 28, 1980 (45 FR 35803).

The International Trade Administration, Department of Commerce, published new countervailing and antidumping duty regulations in the *Federal Register* on January 22, 1980, and February 6, 1980, respectively (45 FR 4932, 8182), to implement the statutory changes made by the Act. The antidumping regulations are contained in Part 353 of new Chapter III, title 19, Code of Federal Regulations (19 CFR Chapter III). Countervailing duty regulations appear as Part 355 of Chapter III.

Because of the statutory changes and transfer of functions described above, Parts 113, 153, 159, and 177, Chapter I, Title 19, Code of Federal Regulations (19 CFR Chapter I, Parts 113, 153, 159, 177), are being amended as follows:

1. Section 113.14(q), "Antidumping Bond, Customs Form 7591," is being deleted;

2. Part 153, "Antidumping," is being deleted;

3. Section 159.41, "Antidumping duties," is being amended to refer to the new Department of Commerce regulations;

4. Section 159.47, "Countervailing duties," is being amended to refer to the new Department of Commerce regulations;

5. A new § 159.58, pertaining to the suspension of liquidation in antidumping and countervailing duty case, is being added; and

6. Section 177.0, "Administrative rulings," is being amended to delete the references to Parts 153 and 159.

Title VIII—Treatment of Distilled Spirits

Title VIII, as it relates to Customs, eliminates the current "wine-gallon" method of taxing and levying duties on foreign distilled spirits. The taxes and duties are to be assessed under the proof gallon method based both upon the volume of spirits and its alcoholic content (i.e., a lower tax on 86 proof

than on 100 proof given the same volume).

This title also increases the duty on distilled spirits of countries not providing adequate reciprocal concessions to the United States and permits reductions in import duties on distilled spirits from countries providing reciprocal concessions. In the latter case, if the President finds that trading partners are not implementing their concessions, duties would subsequently be increased to the level of protection prevailing under the tax and duty system in effect on January 1, 1979.

Finally, Title VIII establishes an "all-in-bond" administrative system for collecting excise taxes on domestic distilled spirits and imported bulk distilled spirits bottled domestically. It also defers for an additional 15 days, phased in over three years, the period for collection of the excise taxes from domestic producers, and authorizes the transfer of certain distilled spirits for exportation to any Customs bonded warehouse and not just a warehouse at an exterior port as provided by section 311, Tariff Act of 1930, as amended (19 U.S.C. 1311).

Because section 5521, Internal Revenue Code, as amended (26 U.S.C. 5521), is repealed by section 807 of the Act, sections 19.15(g)(2) and 144.15(b), Customs Regulations (19 CFR 19.15(g)(2), 144.15(b)), are being amended to eliminate the reference to 26 U.S.C. 5521. Section 19.15(g)(1) is being amended to eliminate the requirement that articles withdrawn for transportation and delivery to a bonded storage warehouse for the sole purpose of immediate export be destined for a warehouse at an exterior port. Sections 159.4 (a) and (b)(1), Customs Regulations (19 CFR 159.4 (a) and (b)(1)), are being amended to provide for the "proof gallon" method of taxing and levying duties on foreign distilled spirits.

Title X—Judicial Review

Title X revises section 516, Tariff Act of 1930, as amended, (19 U.S.C. 1516), to provide increased opportunities for appeal of certain interlocutory and all final rulings by the Department of Commerce, or the U.S. International Trade Commission in antidumping and countervailing duty cases. The title amends the Tariff Act of 1930 by adding a new section 516A, (19 U.S.C. 1516A), which provides specific judicial review procedures for countervailing duty and antidumping proceedings. Existing section 516 has been amended to delete those provisions dealing with antidumping and countervailing duty determinations, and includes procedures for a domestic interested party's contest

of appraised value, classification, or the rate of duty of imported merchandise. The title also expands opportunities for judicial review of determinations by Customs of the appraised value, classification, or rate of duty of imported goods. Furthermore, Title X provides for judicial review of Customs decisions regarding the certification of the country of origin of products covered by Title III, Government Procurement.

Sections 174.12 and 174.13, Customs Regulations (19 CFR 174.2, 174.13), are being amended to expand the list of those individuals who may file a protest against decisions of the district director of Customs and the time for filing a protest and the content of the protest when a surety is involved.

Section 174.30, Customs Regulations (19 CFR 174.30), is being amended to require that the notice of denial of the protest include a statement of the reasons for denial and a statement informing the protesting party of the right to file a civil action contesting the denial.

The heading to Part 175 and §§ 175.0, 175.2(a), 175.11(b), 175.12(a), 175.21(a), 175.21(b), and 177.0, Customs Regulations (19 CFR Part 175, 175.0, 175.2(a), 175.11(b), 175.12(a), 175.21(a), 175.21(b), 177.0), are being amended to substitute "domestic interested party" for "American manufacturer, producer, or wholesaler". "Domestic interested party" is being defined in § 175.3. Sections 175.1 and 175.2, Customs Regulations (19 CFR 175.1, 175.2), are being amended to include a request for appraised value determination with the listing of areas for which a petition may be filed. A new § 175.31 is being added to require publication of a notice of a decision of the Customs Court or Court of Customs and Patent Appeals which sustains in whole or in part a cause of action before either court.

Title XI—Miscellaneous Provisions

The only aspects of Title XI affecting the Customs Regulations are those relating to the Generalized System of Preferences (GSP). Title XI amends GSP as follows:

(1) The President is permitted to continue GSP treatment for eligible articles, and to designate new eligible articles, from beneficiary developing countries which exceed the competitive need limitation, i.e., no more than 50 percent of total annual U.S. imports of an article eligible for GSP may come from one country, if total imports of the article are less than \$1 million (adjusted annually to reflect changes in the Gross National Product).

(2) The customs union rule which permits such entities to be considered a

single country for GSP, has been changed to:

(a) Permit associations of countries contributing to comprehensive regional economic integration among their members to be designated as a single beneficiary developing country;

(b) Permit application of the competitive need ceilings on GSP treatment (total annual imports of an eligible article from any one country may not exceed (1) about \$41.9 million, or (2) 50 percent of total U.S. imports of the article) for a specific article from an association of countries described above to the individual member countries of such an association rather than to the association as a whole; and

(c) Reduce the minimum value-added requirement for GSP articles from such an association from 50 percent to 35 percent, the requirement applicable to individual countries.

(3) The exclusion of members of the Organization of Petroleum Exporting Countries ("OPEC") from GSP would be modified to allow extension of GSP treatment to eligible articles from OPEC otherwise qualifying as beneficiary developing countries if they:

(a) Conclude bilateral product-specific trade agreements with the U.S. in the MTN, and

(b) Continue to supply petroleum to the United States.

Other than technical amendments to §§ 10.171 (a) and (b) and 10.176(c), Customs Regulations (19 CFR 10.171 (a) and (b), 10.176(c)), to modify the citation to the Trade Act of 1974 and to "reserve" § 10.176(b), Customs Regulations (19 CFR 10.176(b)), the only substantive change being made is an amendment to § 10.176 relating to country of origin criteria to incorporate the expanded coverage pertaining to associations of countries contributing to comprehensive regional economic integration among their members.

Inapplicability of Public Notice Requirement and Delayed Effective Date

Because these amendments implement a statutory requirement, confer additional rights and benefits upon the importing community, and conform the regulations to changes made by the Act, notice and public procedure pursuant to 5 U.S.C. 553(b)(B), are unnecessary and contrary to the public interest. Further, for the same reasons, good cause exists for dispensing with the delayed effective date provisions of 5 U.S.C. 553(d)(3).

Comments

For the reasons set forth in the previous paragraph, these amendments are being published as a final rule. However, recognizing the need to assess

the effects of these amendments. Customs will evaluate their impact as soon as sufficient experience has been acquired, with a view to making appropriate revisions. To assist in the evaluation, written comments are invited on their impact. Consideration will be given to any comments to determine whether it would be appropriate to make further amendments. Comments should be addressed to the Commissioner of Customs, Attention: Regulations and Research Division, Room 2426, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229. Comments submitted will be available for public inspection in accordance with § 103.8(b), Customs Regulations (19 CFR 103.8(b)), during regular business hours, at the Regulations and Research Division.

Drafting Information

The principal author of this document was John E. Elkins, Regulations and Research Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Amendments to the Regulations

Parts 10, 19, 113, 144, 153, 159, 174, 175, and 177, Customs Regulations (19 CFR Parts 10, 19, 113, 144, 153, 159, 174, 175, 177), are amended as set forth below.

Approved: October 7, 1980.

R. E. Chasen,

Commissioner of Customs.

Richard J. Davis,

Assistant Secretary of the Treasury.

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

1. Section 10.171(a) is amended by adding, "as amended" after "the Trade Act of 1974" wherever it appears.

2. Section 10.171(b) is amended by adding "or which is contributing to comprehensive regional economic integration among its members through appropriate means, including but not limited to, the reduction of duties" after "customs union" in the second sentence.

3. Section 10.176 is amended in the following manner: Paragraph (a) is amended to read as follows:

§ 10.176 Country of origin criteria.

(a) *Merchandise produced in a beneficiary developing country or any two or more countries which are members of the same association of countries.* Merchandise which is (1) the growth, product, manufacture, or assembly of (i) a beneficiary developing country or (ii) any two or more countries

which are members of the same association of countries and (2) imported directly from such beneficiary developing country or member countries, may qualify for duty-free entry under the Generalized System of Preferences ("GSP"). However, duty free entry under GSP may be accorded only if (i) the sum of the cost or value of the materials produced in the beneficiary developing country or any two or more countries which are members of the same association of countries which is treated as one country under section 502(a)(3), Trade Act of 1974, as amended (19 U.S.C. 2462(a)(3)), plus (ii) the direct costs of processing operations performed in such beneficiary developing country or member countries, is not less than 35 percent of the appraised value of the article at the time of its entry into the customs territory of the United States.

Paragraph (b) is deleted and the paragraph marked "Reserved".

Paragraph (c) is amended by adding ", as amended" after "the Trade Act of 1974".

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

PART 19—CUSTOMS WAREHOUSES, CONTAINER STATIONS AND CONTROL OF MERCHANDISE THEREIN

§ 19.15 [Amended]

1. Section 19.15(g)(1) is amended by adding the phrase ", except for distilled spirits which may be withdrawn under the provisions of section 311 for transportation and delivery to any bonded storage warehouse for the sole purpose of immediate export," after the phrase "for the sole purpose of immediate export" in the first sentence and by deleting the phrase "at the exterior port" in the third and fourth sentences.

2. Section 19.15(g)(2) is amended by deleting the phrase "section 5521 of the Internal Revenue Code, as amended (26 U.S.C. 5521), and" in the first sentence.

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

PART 113—CUSTOMS BONDS

§ 113.14 [Amended]

Section 113.14 is amended by deleting paragraph (q) and marking the paragraph "Reserved".

PART 144—WAREHOUSE AND REWAREHOUSE ENTRIES AND WITHDRAWALS

§ 144.15 [Amended]

1. The heading to § 144.15(b) is amended by substituting "311, Tariff Act of 1930, as amended" for "5521 of the Internal Revenue Code".

2. Section 144.15(b)(1) is amended by deleting the phrase "section 5521 of the Internal Revenue Code, as amended (26 U.S.C. 5521), and".

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

PART 153—ANTIDUMPING [DELETED]

Chapter I of Title 19, Code of Federal Regulations, is amended by deleting Part 153.

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

PART 159—LIQUIDATION OF DUTIES

1. Section 159.4(a) is amended by substituting the phrase "distilled spirits" for "alcoholic beverages", by deleting the parenthetical phrase "(or wine gallons if below proof)" in the first sentence and by adding a new sentence at the end of the section to read as follows:

§ 159.4 Alcoholic beverages.

(a) *Quantities subject to duties.* *** Customs duties and internal revenue taxes on alcoholic beverages other than items 167.20 and 167.90, Tariff Schedules of the United States (19 U.S.C. 1202), and distilled spirits provided for in schedule 1, part 12, Tariff Schedules of the United States, shall be collected only on the number of wine gallons and fractional parts thereof, entered or withdrawn for consumption.

2. Section 159.4(b)(1) is amended by adding the phrase "utilizing the proof gallon method of computation" at the end of the section.

3. Section 159.41 is revised to read as follows:

§ 159.41 Antidumping duties.

Antidumping duties shall be assessed in accordance with Part 353, Chapter III, of this title.

4. Section 159.47 is revised to read as follows:

§ 159.47 Countervailing duties.

Countervailing duties shall be assessed in accordance with Part 355, Chapter III, of this title.

5. A new § 159.58 is added to read as follows:

§ 159.58 Dumping and countervailing duties; Action by district director.

(a) *Antidumping matters.* Upon receipt of notification from the Commissioner, each district director shall suspend liquidation on merchandise entered, or withdrawn from warehouse, for consumption, on or after the date of publication of the "Notice of Preliminary Affirmative Antidumping Determination," "Notice of Final Affirmative Antidumping Determination" or "Notice of Violation of Agreement" as provided by Part 353, Chapter III, of this title. Each district director shall immediately notify the importer, consignee, or agent of each entry of merchandise in question with respect to which liquidation is suspended. The notice shall indicate the relevant ascertained and determined or estimated antidumping duty.

(b) *Countervailing matters.* Upon receipt of notification from the Commissioner, each district director shall suspend liquidation on merchandise entered, or withdrawn from warehouse, for consumption, on or after the date of publication of the "Notice of Preliminary Affirmative Countervailing Duty Determination," "Notice of Final Affirmative Countervailing Duty Determination" or "Notice of Violation of Agreement," as provided by Part 355, Chapter III, of this title. Each district director shall immediately notify the importer, consignee, or agent of each entry of merchandise in question with respect to which liquidation is suspended. The notice shall indicate the relevant ascertained and determined or estimated countervailing duty.

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

PART 174—PROTESTS

1. Section 174.12(a) is amended to read as follows:

§ 174.12 Filing of protests.

(a) *By whom filed.* Protests may be filed by:

- (1) The importer or consignee shown on the entry papers, or their sureties;
- (2) Any person paying any charge or exaction;
- (3) Any person seeking entry or delivery;
- (4) Any person filing a claim for drawback; or
- (5) Any authorized agent of any of the persons described in paragraphs (a) (1) through (4) of this section, subject to the provisions of § 174.3.

2. Section 174.12(e) is amended by deleting the word "or" at the end of paragraph (1), by substituting a

semicolon for the period at the end of paragraph (2) followed by the word "or" and by adding a new paragraph (3) to read as follows:

§ 174.12 Filing of protests.

(e) *Time of filing.* * * *

(3) The date of mailing of notice of demand for payment against a bond in the case of a surety which has an unsatisfied legal claim under a bond written by the surety.

3. Section 174.13(a) is amended by deleting the word "and" after the semicolon in subparagraph (6), by substituting a semicolon for the period at the end of subparagraph (7) followed by the word "and" and by adding a new subparagraph (8) to read as follows:

§ 174.13 Contents of protest.

(a) *Contents, in general.* * * *

(8) If another party has not filed a timely protest, the surety's protest shall certify that the protest is not being filed collusively to extend another authorized person's time to protest.

4. Section 174.30(a) is amended by adding the following sentence between the first and second sentences:

§ 174.30 Notice of denial of protest.

(a) *Issuance of notice.* * * * The notice shall include a statement of the reasons for the denial, as well as a statement informing the protesting party of the right to file a civil action contesting the denial of the protest under section 514, Tariff Act of 1930, as amended (19 U.S.C. 1514).

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

PART 175—PETITIONS BY DOMESTIC INTERESTED PARTIES

1. The heading to Part 175 is amended to read as set forth above.

§175.0 [Amended]

2. Section 175.0 is amended by substituting "domestic interested parties" for "American manufacturers, producers, and wholesalers".

3. The heading to Subpart A of Part 175 is amended to read as follows:

Subpart A—Request For Classification, Appraised Value And Rate Of Duty**§175.1 [Amended]**

4. Section 175.1 is amended by adding "appraised value" after "classification".

§§ 175.2, 175.12, 175.21 [Amended]

5. Sections 175.2(a), 175.12(a), 175.21(a), and 175.21(b) are amended by

substituting the phrase "a domestic interested party" for "an American manufacturer, producer, or wholesaler" wherever it appears.

§175.2 [Amended]

6. Section 175.2(b) is amended by adding "appraised value" after "classification".

7. A new § 175.3 is added to read as follows:

§ 175.3 Domestic interested party.

"Domestic interested party", when used in this Part, means:

(a) A manufacturer, producer, or wholesaler in the United States of a like product,

(b) A certified union or recognized union or group of workers which is representative of an industry engaged in the manufacture, production, or wholesale in the United States of a like product, or

(c) A trade or business association a majority of whose members manufacture, produce, or wholesale a like product in the United States.

§175.11 [Amended]

8. Section 175.11(b) is amended by substituting "domestic interested parties" for "American manufacturers, producers, or wholesalers."

9. A new Subpart D is added to Part 175 to read as follows:

Subpart D—Procedure Following Court Decision**§ 175.31 Publication of notice of court decision.**

Notice of a decision of the Customs Court or of the Court of Customs and Patent Appeals which sustains, in whole or in part, a cause of action before the court under the provisions of section 516, Tariff Act of 1930, as amended (19 U.S.C. 1516), shall be published by the Commissioner of Customs in the Federal Register within 10 days from the date of issuance of the court decision.

(R.S. 215, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624))

PART 177—ADMINISTRATIVE RULINGS**§ 177.0 [Amended]**

The fourth sentence of § 177.0 is amended by (1) deleting "Part 153 (relating to enforcement of the Antidumping Act, 1921, as amended), Part 159 (insofar as it relates to countervailing duties)," and (2) substituting "Part 175 (relating to petitions filed by domestic interested parties pursuant to section 516, Tariff Act of 1930, as amended)" for "Part 175 (relating to petitions filed by American

manufacturers, producers, or wholesalers pursuant to section 516 of the Tariff Act of 1930, as amended)".

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

[FR Doc. 80-35800 Filed 11-14-80; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 193

[FAP 9H5226/R66; PH FRL 1670-8]

Tolerances for Pesticides in Food Administered by the Environmental Protection Agency; Chlorpyrifos

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule amends 21 CFR 193 by establishing a food additive tolerance for the residues of the insecticide chlorpyrifos [*O,O*-diethyl *O*-(3,5,6-trichloro-2-pyridyl) phosphorothioate] in or on peanut oil at 1.5 parts per million (ppm). This regulation was requested by Dow Chemical Co. This rule establishes the maximum permissible level for the combined residues of chlorpyrifos in or on peanut oil.

EFFECTIVE DATE: Effective on November 17, 1980.

ADDRESS: Written objections may be filed with the: Hearing Clerk, Environmental Protection Agency, Rm. 3708 (A-110), 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Jay S. Ellenberger, Product Manager (PM) 12, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, Rm. E-303, 401 M St., SW., Washington, D.C. 20460, (202-426-2635).

SUPPLEMENTARY INFORMATION: The EPA issued a notice that published in the Federal Register of July 16, 1979 (44 FR 41329), that Dow Chemical Co., P.O. Box 1706, Midland, MI 48640, had filed a food additive petition (FAP 9H5226). The petition proposed that 21 CFR 193.85 be amended by permitting the combined residues of the insecticide chlorpyrifos [*O,O*-diethyl *O*-(3,5,6-trichloro-2-pyridyl) phosphorothioate] and its metabolite 3,5,6-trichloro-2-pyridinol in the commodity peanut oil at 1.5 ppm. No comments were received in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed

tolerance included a 2-year rat feeding/oncogenicity study and a dog feeding study with a no-observable-effect-level (NOEL) of 0.1 milligram (mg)/kilogram (kg) of body weight (bw); a mouse oncogenicity study which was negative at 15 ppm (highest dose); and a mouse teratology study which was negative at 25 mg/kg. Studies on delayed neurotoxicity and reproduction study show negative potential. Based on the 2-year chronic rat feeding study with the 0.1 mg/kg of bw, the NOEL for cholinesterase activity, and using a safety factor of 10, the acceptable daily intake (ADI) for humans is 0.01 mg/kg of bw/day.

The theoretical maximum residues contribution (TMRC) in the human diet from the proposed tolerance and previously established tolerances for residues of chlorpyrifos on a variety of raw agricultural commodities at levels ranging from 0.01 ppm to 1.5 ppm does not exceed the ADI. A food additive regulation (21 CFR 193.85) has previously been established for chlorpyrifos in food handling establishments. Feed additive tolerances have also been established (21 CFR 561.98) for residues of chlorpyrifos in dried sugar beet molasses at 3 ppm. A related document (PP 9F2193/R277), establishing tolerances for residues of chlorpyrifos in or on the raw agricultural commodities peanuts and peanut hulls appears elsewhere in this issue of the Federal Register.

The metabolism of chlorpyrifos is adequately understood for this use, and an adequate analytical method (gas chromatography) is available for enforcement purposes. No regulatory actions are currently pending against the continued registration of this pesticide. There are no other relevant considerations involved in establishing the proposed tolerance.

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which a tolerance is sought, and it is concluded that the pesticide may be safely used in the prescribed manner when such use is in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136)).

Any person adversely affected by this regulation may, on or before December 17, 1980, file written objections with the Hearing Clerk, EPA, Rm. M-3708 (A-110), 401 M St., SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and should specify both the provision of regulation deemed to be 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.

Note.—Under Executive Order 12044, EPA is required to judge whether a regulation is significant, and therefore subject to the procedural requirements of the Order or whether it may follow other development procedures. EPA labels these other regulations "specialized". This regulation has been reviewed and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

Effective date: November 17, 1980.

Dated: October 23, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator of Pesticide Programs.

Therefore, Subpart B of 21 CFR Part 193 is amended by adding paragraph (d) to § 193.85 to read as follows:

§ 193.85 Chlorpyrifos.

(d) A tolerance of 1.5 parts per million is established for the combine residues of the insecticide chlorpyrifos [*O,O*-diethyl *O*-(3,5,6-trichloro-2-pyridyl) phosphorothioate] and its metabolite 3,5,6-trichloro-2-pyridinol in or on peanut oil.

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

[FR Doc. 80-35757 Filed 11-14-80; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR 635

Buy America Requirements; Waiver Provisions

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Emergency final rule.

SUMMARY: The FHWA is amending its Buy America regulation to include procedures under which State highway agencies could request waivers of the Buy America Requirements. This action implements the provisions of the Buy America statute and a recent court order.

EFFECTIVE DATE: November 17, 1980.

FOR FURTHER INFORMATION CONTACT:

Mr. Peter R. Picard, Construction and Maintenance Division, 202-426-4847, or Mr. Stan Abramson, Office of the Chief Counsel, 202-426-0761, Federal Highway Administration, 400 Seventh Street SW., Washington, D.C. 20590. Office hours