

for display on a terminal or other display device any bid, offer, quotation size, or aggregate quotation size for any reported security which is not a subject security with respect to such exchange or OTC market maker; and

(ii) No quotation vendor may disseminate or display on a terminal or other display device any bid, offer, quotation size, or aggregate quotation size from any exchange or OTC market maker for any reported security which is not a subject security with respect to such exchange or OTC market maker.

* * * * *

(Secs. 2, 3, 6, 9, 10, 15, 17, 23, Pub. L. No. 78-291, 48 Stat. 881, 882, 885, 889, 891, 895, 897, 901, as amended by secs. 2, 3, 4, 11, 14, 18, Pub. L. No. 94-29, 89 Stat. 97, 104, 121, 137, 155 (15 U.S.C. 78b, 78c, 78f, 78i, 78j, 78o, 78q, 78w, as amended by Pub. L. No. 94-29 (June 4, 1975)); sec. 1, Pub. L. No. 75-719, 52 Stat. 1070, as amended by sec. 12, Pub. L. No. 94-29, 89 Stat. 127-131 (15 U.S.C. 78o-3, as amended by Pub. L. No. 94-29 (June 4, 1975)); sec. 7, Pub. L. No. 94-29, 89 Stat. 111 (15 U.S.C. 78k-1))

By the Commission.

Shirley E. Hollis,

Assistant Secretary.

February 11, 1982.

[FR Doc. 82-4424 Filed 2-18-82; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 171

[T.D. 82-35]

Declaration of Articles Upon U.S. Entry; Disposition of Liabilities; Interim Guidelines

AGENCY: Customs Service, Treasury.

ACTION: Interim guidelines.

SUMMARY: The Customs Service and Treasury Department have revised the guidelines used for the disposition of liabilities incurred under section 497, Tariff Act of 1930, for the failure to declare articles to Customs upon entry into the United States. This document gives notice that the guidelines will be used on an interim basis in processing petitions for relief from the forfeiture of merchandise and personal penalty liabilities incurred under section 497. However, written comments are invited and will be considered in determining whether any change is required before final guidelines are published.

EFFECTIVE DATE: February 19, 1982.

DATES: Comments (preferably in triplicate) must be received on or before May 20, 1982.

ADDRESS: Written comments should be addressed to the Commissioner of

Customs, Attention: Regulations Control Branch, 1301 Constitution Avenue, NW., Room 2426, Washington, D.C. 20029.

FOR FURTHER INFORMATION CONTACT:

Joseph E. Priddy, Miscellaneous Penalties Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-5746).

SUPPLEMENTARY INFORMATION:

Background

Under the provisions of section 498, Tariff Act of 1930, as amended (19 U.S.C. 1498), and § 148.11, Customs Regulations (19 CFR 148.11), persons arriving in the United States from a foreign place are generally required to declare to Customs officers, at the first port of arrival in the United States, all articles and/or merchandise which they are bringing in with them.

As provided by section 497, Tariff Act of 1930 (19 U.S.C. 1497), failure to declare articles or merchandise, when required by law, subjects the undeclared articles or merchandise to forfeiture to the Government, and the individual that fails to declare the articles or merchandise to a personal penalty equal to the domestic value of the undeclared articles or merchandise.

Ordinarily, the full statutory liability would be imposed only by judicial process. Section 618, Tariff Act of 1930, as amended (19 U.S.C. 1618), provides for an administrative process which permits the person interested in any seized article or merchandise, or who has incurred, or is alleged to have incurred, any fine or penalty, to petition for resolution of these liabilities for amounts less than the full statutory liability. This provision authorizes the Secretary of the Treasury to remit or mitigate any fine, penalty, or forfeiture, incurred under Customs or navigation laws when he finds that such fine, penalty, or forfeiture was incurred without any intention on the part of the petitioner to defraud the revenue or to violate the law, or finds the existence of such mitigating circumstances to justify such action. Part 171, Customs Regulations (19 CFR Part 171), contains provisions for the filing of petitions for relief from fines, penalties, and forfeitures incurred for violations of Customs and other laws. Section 171.11, Customs Regulations (19 CFR 171.11), requires that petitions for relief be filed with the Customs Service.

The overwhelming majority of violations of section 497 are disposed of administratively pursuant to the provisions of section 618. District Directors of Customs throughout the United States have been delegated authority by § 171.21, Customs

Regulations (19 CFR 171.21), to resolve cases in which the statutory liability does not exceed \$25,000, on such terms and conditions as, under the law and in view of the circumstances, they deem appropriate. The Commissioner of Customs exercises jurisdiction over cases between \$25,000 and \$100,000. The Secretary of the Treasury has retained authority to decide petitions for relief from liabilities arising under section 497 when those liabilities exceed \$100,000.

National guidelines were developed for use in mitigating and thereby disposing of violations of section 497 administratively, in part, because many different Customs officers have authority to act on petitions for relief. Guidelines were issued in 1964, and revised and reissued in 1974 to Customs field officers.

The primary objective of the guidelines is to encourage compliance with the entry declaration requirements. They should be sufficiently punitive to deter future violations. Customs experience with the 1974 guidelines has been that they were too inflexible to serve this objective. Furthermore, the 1974 guidelines failed to provide adequate guidance for certain categories of violations.

As a result, numerous Customs districts have developed practices, both formal and informal, of taking amounts less than those specified in the 1974 guidelines, when factors justifying such mitigation were found. Although guidelines are not absolute rules and the Customs field officers acted within their discretionary authority, these actions emphasized the need for attention to uniform guidelines on a national basis.

In response to the above situation, projects were commenced at Customs and the Department of the Treasury to reexamine section 497 guidelines. The interim guidelines which now have been established are a product of these projects, and are being published with the specific approval of the Treasury Department so that everyone will be aware of them.

Customs considered several approaches to revising the guidelines. The approach adopted is to base the mitigation upon the duty on the undeclared merchandise (duty-based). The 1974 guidelines are duty-based in that the statutory liability is mitigated to an amount that is a multiple (1 times, 2 times, 3 times, etc.) of the duty which would have been owed if the merchandise had been properly declared.

The interim guidelines establish certain mitigating and aggravating factors which vary the multiple of the

duty to be applied. This differs from the 1974 guidelines which provided only one multiple for the vast majority of cases. Furthermore, guidance is now provided for mitigating violations involving merchandise which, if properly declared, would have been entitled to duty-free entry, either conditionally or unconditionally.

At present, the only standards available for mitigating violations of section 497 which involve conditionally or absolutely free merchandise are contained in § 148.18, Customs Regulations (19 CFR 148.18). This provision, however, applies only when Customs finds that the violator was neither willfully negligent nor committed the violation with fraudulent intent, but that he was no more than ordinarily negligent in committing the violation.

As a practical matter, it is difficult to find that a violator was ordinarily negligent under conventional definitions of that term. Even when Customs is able to so find, there still remains a large number of other cases in which the violation was clearly the result of more than ordinary negligence. In the latter category there has been no clear, uniform, national policy or standard.

The interim guidelines will rectify this situation. These guidelines are consistent with the provisions of § 148.18, and provide guidance for cases which fall outside of the limits of that section.

By elaborating mitigating factors which justify a reduced mitigated amount, the interim guidelines provide a basis for more mitigation. However, the interim guidelines will continue the practice of dealing harshly with violations involving aggravated factors.

Accordingly, because of the additional guidance and flexibility provided, and because the interim guidelines are consistent with the practice in many Customs field offices, the interim guidelines for administrative disposition of violations of section 497 have been approved by the Treasury Department and will take effect upon publication. These guidelines are attached to this document as Appendix A.

Solicitation of Comments on the Guidelines

Customs invites all interested parties to express their comments concerning the interim guidelines.

Consideration will be given to any written comments timely submitted to the Commissioner of Customs. Customs will review and analyze the comments and modify the interim guidelines as appropriate. The interim guidelines then will be published in final form as an

appendix to Part 171, Customs Regulations.

Comments submitted will be available for public inspection in accordance with § 103.11(b), Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations Control Branch, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2426, Washington, D.C. 20229.

Drafting Information

The principal author of this document was Barbara E. Whiting, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

William T. Archey,

Acting Commissioner of Customs.

Approved: February 8, 1982.

John P. Simpson,

Acting Assistant Secretary of the Treasury.

Appendix A—Guidelines for Disposition of Violations of 19 U.S.C. 1497

A violation of section 497, Tariff Act of 1930 (the Act) (19 U.S.C. 1497), occurs when a traveler brings articles into the United States which are subject to declaration and fails to declare those articles. Generally, all articles are required to be declared under the provisions of section 498 of the Act (19 U.S.C. 1498) and § 148.11, Customs Regulations (19 CFR 148.11). An individual is entitled to seek administrative mitigation or remission of the liabilities imposed under section 497 by petitioning pursuant to section 618 of the Act (19 U.S.C. 1618). The following revised guidelines are to be used in disposing of these violations.

The guidelines do not change or add to existing delegated authority, and will be used within the framework of that authority. Previous guidelines for disposition of violations of section 497, set out in Customs Circular ENF-4-R:EP, dated August 5, 1974, and the pertinent material in Appendix AA, Part 2 of the Customs Fines, Penalties and Forfeitures Handbook (March 1979 Revision, P&PM Handbook 4400-01 (old number 3000-01)) are hereby superseded.

I. Classification of Violations

A. Dutiable Merchandise

For violations involving articles subject to duty and for which there is no applicable exemption from duty, the following rules apply:

1. *Mitigated Penalty for First Offense.* For violations which are the first offense, where there is knowledge of the declaration requirements, and where the

undeclared articles are discovered by the Customs officers, the liabilities shall be remitted upon payment of THREE TIMES THE DUTY, but not less than \$50, or the domestic value, whichever is less.

2. *Additional Mitigating Factors.*

When one or more of the following additional mitigating factors are present, the deciding officer may within his discretion remit the liabilities upon payment of between one and one half and three times the duty:

a. After examination of the person or baggage has begun (including referral for secondary examination), but before discovery by the Customs officer, the individual declares the merchandise;

b. Language barrier, mental condition, physical ailment;

c. Violator cooperates with Customs officers after discovery of the violation by providing additional information which facilitates conclusion of the case;

d. Violator is an inexperienced traveler;

e. There is contributory Customs error (violation demonstrates he was given incorrect advice by a Customs officer).

3. *Aggravating Factors.* When one or more of the following aggravating factors are present, the deciding officer may within his discretion remit the liabilities upon payment of between THREE AND SIX TIMES THE DUTY or the domestic value, whichever is lower:

a. Documentary or other evidence discovered establishes violator's intent;

b. Informant provides information leading to discovery of the violation;

c. Violator is an experienced traveler;

d. Undeclared articles are concealed to evade U.S. law;

e. Undeclared articles are commercial merchandise;

f. There is extreme lack of cooperation including rude behavior, verbal or physical abuse, attempted escape (all tending to demonstrate a lack of respect for law and authority).

4. *Extraordinary Mitigating Factor.* a.

When an individual who has been cleared through Customs without discovery of any undeclared merchandise returns to the examination area and declares that merchandise, the deciding officer may within his discretion remit the liabilities upon payment of ONE TIME THE DUTY.

b. An individual who declares merchandise some time later (hours, days, weeks, etc.) may be treated similarly.

5. *Extraordinary Aggravating Factors.*

a. When the offense is a second or subsequent violation, the deciding officer may within his discretion remit the liabilities upon payment of between

six and eight times the duty or the domestic value, whichever is lower.

b. When it is a second or subsequent offense and there are aggravating factors present, generally there shall either be a denial of relief or mitigation to no less than EIGHT TIMES THE DUTY or the domestic value, whichever is lower. Customs agents should also be advised for consideration of referral for criminal prosecution.

c. When there is evidence of an ongoing scheme to defraud the revenue involving multiple entries without declaration of merchandise subject to declaration, the deciding officer shall act in accordance with the preceding paragraph.

B. Absolutely or Conditionally Free Merchandise

For violations involving articles either entitled to entry free of duty absolutely (classifiable under a duty-free provision in schedules 1-7, TSUS) or entry free of duty conditionally (entitled to treatment under GSP or schedule 8, TSUS) the following rules apply:

1. Mitigated Penalty for First Offense.

a. For violations which are first offense, and involve merchandise entitled to the benefit of GSP or schedule 8, TSUS, the liabilities shall be remitted upon payment of ONE TIME THE DUTY which would have been due if the merchandise had not been entitled to the benefit.

b. For violations which are first offense, and involve absolutely duty-free merchandise, the liabilities shall be remitted upon payment of between ONE AND FIVE PERCENT OF THE DOMESTIC VALUE, but not less than \$50 (or the domestic value, whichever is less) nor more than \$1,000.

2. Additional Mitigating Factors.

When additional mitigating factors such as those outlined above are present, the deciding officer may in his discretion reduce the mitigated amount to a lower figure.

3. *Aggravating Factors.* a. When aggravating factors such as those outlined above are present, the deciding officer may in his discretion remit the liabilities for conditionally free articles upon the payment of between ONE AND TWO TIMES THE DUTY.

b. For absolutely free articles, he may remit the liabilities upon payment of between FIVE AND TEN PERCENT OF THE DOMESTIC VALUE.

II. Other Applicable Rules

a. Customs officers shall document mitigating and aggravating factors found

in each case in the case file. There must be a basis shown for mitigated amounts.

b. Customs officers may within their discretion consider other factors not here delineated as aggravating or mitigating and apply the guidelines accordingly. These additional factors must also be documented in the case file.

c. These guidelines are not authority for admitting into the commerce merchandise which is conditionally or absolutely prohibited from entry.

d. The presence of extraordinary aggravating factors may be basis for denial of relief.

e. When the violator is being prosecuted criminally, the civil (1497) liability generally is administratively settled only after completion of the prosecution or with the express approval of the appropriate United States attorney. Criminal prosecution of the violator, however, is insufficient grounds to delay indefinitely determination of the civil administrative aspect of the case. District and area directors should discuss with either the regional counsel, the U.S. attorney, or Customs Headquarters the best course of action to follow in any particular case. Consideration should be given to immediate referral of the forfeiture action to the U.S. attorney so that he might take appropriate action to protect the government's case.

[FR Doc. 82-4577 Filed 2-18-82; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 184

[Docket No. 78N-0369]

GRAS Status of Whey, Whey Products and Hydrogen Peroxide; Correction

AGENCY: Food and Drug Administration.

ACTION: Final rule; correction.

SUMMARY: In the rule on the GRAS Status of whey, whey products and hydrogen peroxide, FR Doc. 81-25547 appearing at page 44434 in the issue for Friday, September 4, 1981, the following correction is made on page 44439. In § 184.1979 *Whey* (21 CFR 184.1979), in paragraph (a)(1), in the fourth sentence, "Hydrochloride" is changed to read "hydrochloric acid."

FOR FURTHER INFORMATION CONTACT: Agnes Black, Federal Register Writer (HFC-11), Food and Drug

Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2994.

Dated: February 9, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-4294 Filed 2-18-82; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Tylosin and Sulfamethazine

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed for Kay Dee Feed Co. providing for safe and effective use of two premixes containing 5 or 10 grams per pound each of tylosin and sulfamethazine for making complete swine feeds.

EFFECTIVE DATE: February 19, 1982.

FOR FURTHER INFORMATION CONTACT:

Jack C. Taylor, Bureau of Veterinary Medicine (HFV-136), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5247.

SUPPLEMENTARY INFORMATION: Kay Dee Feed Co., 1919 Grand Ave., Sioux City, IA 51107, is the sponsor of NADA 128-255 submitted on its behalf by Elanco Products Co. The NADA provides for use of premixes containing 5 or 10 grams per pound each of tylosin (as tylosin phosphate) and sulfamethazine for making complete swine feeds used to maintain weight gains and feed efficiency in the presence of atrophic rhinitis, lower the incidence and severity of *Bordetella bronchiseptica* rhinitis; prevent swine dysentery (vibronic); and control swine pneumonias caused by bacterial pathogens (*Pasteurella multocida* and/or *Corynebacterium pyogenes*).

Approval of the application is based on safety and effectiveness data contained in Elanco's approved NADA's 12-491 and 41-275. Use of the data in NADA's 12-491 and 41-275 to support this application has been authorized by Elanco. This approval does not change the approved use of the drug. Consequently, approval of this NADA poses no increased human risk from exposure to residues of the animal drug, nor does it change the conditions of the drug's safe use in the target animal species. Accordingly, under the Bureau

of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), approval of this NADA has been treated as would approval of a Category II supplemental NADA and does not require reevaluation of the safety and effectiveness data in NADA's 12-491 or 41-275.

The agency has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended in § 558.630 by revising paragraph (b)(8) to read as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

§ 558.630 Tylosin and sulfamethazine.

(b) * * *

(8) To 011490, 026186, 026848: 5 or 10 grams per pound each, paragraph (f)(2)(ii) of this section.

Effective date. This amendment is effective February 19, 1982.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360(i)))

Dated: February 9, 1982.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 82-4293 Filed 2-18-82; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 198

Deletion of Part; Technical Manual (TM) Management

AGENCY: Office of the Secretary, DoD.

ACTION: Final rule.

SUMMARY: The Office of the Secretary of Defense has canceled the source document of 32 CFR Part 198, "Technical Manual (TM) Management." This action removes this Part from the CFR since it is no longer valid.

EFFECTIVE DATE: February 4, 1982.

FOR FURTHER INFORMATION CONTACT: M. S. Healy, Office of the Secretary of Defense, Washington, D.C. 20301, telephone 202-697-4111.

SUPPLEMENTARY INFORMATION: 32 CFR Part 198 represents DoD Instruction 4151.9, subject as above, which was superseded February 4, 1982. The new document is entitled "DoD Technical Manual Program Management," and carries the same number. Copies may be obtained under 32 CFR Part 289.

PART 198—TECHNICAL MANUAL (TM) MANAGEMENT [REMOVED]

Accordingly, 32 CFR is amended by removing Part 198.

M. S. Healy,

Chief, Directives Division, C&D, and OSD Federal Register Liaison Officer, Department of Defense.

February 16, 1982.

[FR Doc. 82-4503 Filed 2-18-82; 8:45 am]

BILLING CODE 3810-01-M

SELECTIVE SERVICE SYSTEM

32 CFR Parts 1602-1605, 1609, 1618, 1621-1628, 1630-1633, 1636, 1639, 1641, 1642, 1645, 1648, 1651, 1653, 1655, 1659, 1661, and 1680

Deferment or Exemption from Military Service; Correction

AGENCY: Selective Service System.

ACTION: Correction.

SUMMARY: In FR Doc. 82-2436, appearing at pages 4640-4665 in the issue for Monday, February 1, 1982, the amendatory language which appears in the middle column of page 4643, as corrected by 47 FR 5716, should read as set forth below:

"32 CFR Chapter XVI is amended by revoking Parts 1603, 1604, 1622, 1623, 1625, 1626, 1628, 1631, 1632, 1641, 1655, 1661, and 1680; by revising Parts 1602,

1609, 1621, 1624, 1627 and 1630; and by adding new Parts 1605, 1618, 1633, 1636, 1639, 1642, 1645, 1648, 1651, 1653 and 1659 to read as set forth below."

FOR FURTHER INFORMATION CONTACT: Henry N. Williams, General Counsel, Selective Service System, Washington, D.C. 20435, Phone: (202) 724-0895.

Date: February 11, 1982.

Thomas K. Turnage,

Director of Selective Service.

[FR Doc. 82-4575 Filed 2-18-82; 8:45 am]

BILLING CODE 8015-01-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-36

[FPMR Amdt. F-51]

ADP Management; Hardware and Data Transmission Standards

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation provides standard terminology to be used in solicitation documents regarding application of Federal Information Processing Standards Publications (FIPS PUBS) 70, 79, 81, 84, and 85 and Federal Telecommunication Standards (FED-STD) 1007, 1008, 1020A, 1030A, and 1061. This regulation also makes minor changes to other sections of Subpart 101-36.13 dealing with standards. The intended effect of this action is to provide in Subpart 101-36.13 standard terminology for Government-wide use that brings to the attention of potential offerors on specific solicitations the requirement for pertinent Federal Standard compliance.

EFFECTIVE DATE: February 19, 1982.

FOR FURTHER INFORMATION CONTACT: David Mullins or William Loy Procurement Policy and Regulations Branch, Policy and Analysis Division (202-566-0194).

SUPPLEMENTARY INFORMATION: (a) FIPS PUBS are developed by the National Bureau of Standards (NBS) and issued by the Secretary of Commerce. FED-STD are prepared by the National Communications System (NCS) for issuance by GSA.

(b) Regardless of the provisions or effective date of this regulation, the effective dates of the individual Federal standards are as follows:

FIPS PUB 70, April 24, 1981
FIPS PUB 79, October 17, 1981
FIPS PUB 81, June 2, 1981
FIPS PUB 84, October 31, 1980