

a slight realignment of the extensions. The transition area arrival extensions are no longer required due to cancellation of some instrument approach procedures and revisions to other currently existing approach procedures.

DATES: Effective date: 0901 G.m.t., January 19, 1984.

Comments must be received on or before December 1, 1983.

ADDRESSES: Send comments on the rule in triplicate to: Federal Aviation Administration, Manager, Airspace and Procedures Branch, ASO-530, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763-7646.

FOR FURTHER INFORMATION CONTACT: Donald Ross, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule, which involves revising the coordinates of the Gulfport-Biloxi Regional Airport, reducing the size of control zone arrival extensions and revoking four transition area arrival extensions, and 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, aeronautical, economic, environmental, and energy aspects of the rule that might suggest the need to modify the rule.

The Rule

The purpose of this amendment to § 71.171 and § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to alter the Gulfport, Mississippi, control zone and transition area so only that airspace required for aeronautical activities is designated as controlled airspace. Sections 71.171 and 71.181 of Part 71 of the Federal Aviation

Regulations were republished in Advisory Circular AC 70-3A dated January 3, 1983. Under the circumstances presented, the FAA concludes that there is a need to alter the control zone and transition area by reducing the size of control zone arrival extensions and revoking four transition area arrival extensions. The changes are so minor and nonsubstantive I find that notice or public procedure under 5 U.S.C. 553(b) is unnecessary.

List of Subjects in 14 CFR Part 71

Aviation safety, Airspace, Control zone, Transition area.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the Gulfport, Mississippi, control zone under § 71.171 and the transition area under § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) (as amended) are further amended, effective 0901 G.m.t., January 19, 1984, as follows:

Gulfport, MS—[Revised]

By deleting the present description of the Gulfport, Mississippi, control zone contained in § 71.171 and substituting the following therefor: "Within a 5-mile radius of Gulfport-Biloxi Regional Airport (Lat. 30°24'25"N., Long. 89°04'12"W.); within 3.5 miles each side of Gulfport VORTAC 129° and 322° radials, extending from the 5-mile radius zone to 8.5 miles southeast and northwest of the VORTAC; excluding that portion within the Biloxi, MS, control zone. This control zone is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Airport/Facility Directory."

Gulfport, MS—[Revised]

By deleting the present description of the Gulfport, Mississippi, transition area contained in § 71.181 and substituting the following therefor: "That airspace extending upward from 700 feet above the surface within a 9-mile radius of Gulfport-Biloxi Regional Airport (Lat. 30°24'25"N., Long. 89°04'12"W.); within an 8.5-mile radius of Keesler AFB (Lat. 30°24'39"N., 88°55'28"W.); within 4.5 miles each side of Keesler TACAN 041° and 203° radials, extending from the 8.5-mile radius area to 12.5 miles northwest and southwest of the TACAN."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a

regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in East Point, Georgia, on September 15, 1983.

George R. LaCaille,
Acting Director, Southern Region.

[FR Doc. 83-27769 Filed 10-12-83; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 95

[Docket No. 23795; Amdt. No. 95-313]

IFR Altitudes; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts miscellaneous amendments to the required IFR (instrument flight rule) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. These regulatory actions are needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

DATE: September 29, 1983.

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures Standards Branch (AFO-230), Air Transportation Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 95 of the Federal Aviation Regulations (14 CFR Part 95) prescribes new, amended, suspended, or revoked IFR altitudes governing the operation of all aircraft in IFR flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in Part 95. The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference.

The reasons and circumstances which create the need for this amendment involved matters of flight safety,

operational efficiency in the National Airspace System, and are related to published aeronautical charts that are essential to the user and provide for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment is unnecessary, impracticable, and contrary to the public

interest and that good cause exists for making the amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 95

Aircraft, Airspace.

Adoption of the Amendment

Accordingly and pursuant to the authority delegated to me by the Administrator, Part 95 of the Federal Aviation Regulations (14 CFR Part 95) is amended as follows effective at 0901 G.m.t. September 29, 1983.

(Secs 307 and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.49(b)(3))

Note.—The FAA has determined that this regulation only involved an established body

of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C. on October 5, 1983.

Kenneth S. Hunt,

Director of Flight Operations.

BILLING CODE 4910-13-M

REVISIONS TO IFR ALTITUDES & CHANGE OVER POINTS

IMMUNOMENT 313 EFFECTIVE DATE, SEPTEMBER 29, 1983

[illegible]

FROM	TO	MEAS	FROM	TO	MEAS	FROM	TO	MEAS	FROM	TO	MEAS
§95.6068 VOR FEDERAL AIRWAY 48—Continued			§95.6128 VOR FEDERAL AIRWAY 128—Continued			§95.6200 VOR FEDERAL AIRWAY 200—Continued			§95.6263 VOR FEDERAL AIRWAY 263		
POONA, NM FIX	ALBUQUERQUE, NM VORTAC	9000	MEDAN, IL FIX	PEQUINE, IL VORTAC	2400	ARIAL, CO FIX	HAYDEN, CO VORTAC	11000	ALBUQUERQUE, NM	SANTA FE, NM VORTAC	9000
						VIA N ALTER	VIA N ALTER	10000	SANTA FE, NM VORTAC		12500
			§95.6126 VOR FEDERAL AIRWAY 126			HAYDEN, CO VORTAC		10000			
			IS AMENDED TO READ IN PART			NE BND		13000			
			RALEIGH-DURHAM, NC VORTAC	LANCOK, NC FIX	2700	HAYDEN, CO VORTAC		10000			
			LANCOK, NC FIX	HAYTTEVILLE, NC VORTAC	2000	HAYDEN, CO VORTAC		10000			
						VIA N ALTER		10000			
			§95.6148 VOR FEDERAL AIRWAY 148					10000			
			IS AMENDED BY ADDING					10000			
			RONWOOD, NM VORTAC	HOUGHTON, NM VORTAC	2700			10000			
			"5000 - MOCA					10000			
			§95.6161 VOR FEDERAL AIRWAY 161					10000			
			IS AMENDED TO READ IN PART					10000			
			ROCHESTER, MN VORTAC	FARMINGTON, MN VORTAC	3000			10000			
			FARMINGTON, MN VORTAC	GURNEER, MN VORTAC	3000			10000			
			§95.6166 VOR FEDERAL AIRWAY 166					10000			
			IS AMENDED TO READ IN PART					10000			
			CARON, NY FIX	MARTINBURG, NY VORTAC	4500			10000			
			"2500 - MOCA					10000			
			§95.6178 VOR FEDERAL AIRWAY 178					10000			
			IS AMENDED TO READ IN PART					10000			
			TRINE, KY FIX	SLINK, WY FIX	9000			10000			
			"4200 - MOCA					10000			
			§95.6187 VOR FEDERAL AIRWAY 187					10000			
			IS AMENDED TO DELETE					10000			
			ALBUQUERQUE, NM VORTAC	FEDAL, NM FIX				10000			
			VIA E ALTER					10000			
			PEORIA, NM FIX	OTENS, NM FIX	9000			10000			
			VIA E ALTER					10000			
			OTENS, NM FIX	FAVINGTON, NM VORTAC	13000			10000			
			VIA E ALTER					10000			
			§95.6200 VOR FEDERAL AIRWAY 200					10000			
			IS AMENDED TO DELETE					10000			
			MEER, CO VORTAC	ASUAL, CO FIX	2700			10000			
			VIA N ALTER					10000			
			§95.6263 VOR FEDERAL AIRWAY 263					10000			
			IS AMENDED BY ADDING					10000			
			ROCKWELL, IL VORTAC	HERBY, IL FIX	2700			10000			
			NEWBY, IL FIX	MEAS, IL FIX	4000			10000			
			"2700 - MOCA					10000			
			§95.6264 VOR FEDERAL AIRWAY 264					10000			
			IS AMENDED TO DELETE					10000			
			ALBUQUERQUE, NM VORTAC	CUBBA, NM FIX	8000			10000			
			VIA N ALTER					10000			
			"10000 - MOCA	CUBBA, NM FIX	11000			10000			
			"11000 - MOCA					10000			
			"12000 - MOCA					10000			
			"13000 - MOCA					10000			
			"14000 - MOCA					10000			
			"15000 - MOCA					10000			
			"16000 - MOCA					10000			
			"17000 - MOCA					10000			
			"18000 - MOCA					10000			
			"19000 - MOCA					10000			
			"20000 - MOCA					10000			
			"21000 - MOCA					10000			
			"22000 - MOCA					10000			
			"23000 - MOCA					10000			
			"24000 - MOCA					10000			
			"25000 - MOCA					10000			
			"26000 - MOCA					10000			
			"27000 - MOCA					10000			
			"28000 - MOCA					10000			
			"29000 - MOCA					10000			
			"30000 - MOCA					10000			
			"31000 - MOCA					10000			
			"32000 - MOCA					10000			
			"33000 - MOCA					10000			
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			"38000 - MOCA					10000			
			"39000 - MOCA					10000			
			"40000 - MOCA					10000			
			"41000 - MOCA					10000			
			"42000 - MOCA					10000			
			"43000 - MOCA					10000			
			"44000 - MOCA					10000			
			"45000 - MOCA					10000			
			"46000 - MOCA					10000			
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			"52000 - MOCA					10000			
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			"59000 - MOCA					10000			
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			"61000 - MOCA					10000			
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			"69000 - MOCA					10000			
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			"99000 - MOCA					10000			
			"100000 - MOCA					10000			

§95.7030 JET ROUTE NO. 30

AREA

TO

IS AMENDED TO DELETE

FARMINGTON, MN VORTAC

MOORE, MN VORTAC

18000 45000

SANTA FE, NM VORTAC
LAS VEGAS, NM VORTAC

IS AMENDED BY ADDING

21 SANTA FE
28 LAS VEGAS

§95.7113 JET ROUTE NO. 113

IS AMENDED TO DELETE

DUBUQUE, IA VORTAC

GOPHER, MN VORTAC

18000 45000

LOS ANGELES, CA VORTAC
VIA S. ALTER.

IS AMENDED TO DELETE

25 LOS ANGELES

§95.7120 JET ROUTE NO. 120

IS AMENDED TO READ IN PART

REEVE, AK NDB

BETHEL, AK VORTAC

28000 45000

PARADISE, CA VORTAC
VIA S. ALTER.

IS AMENDED TO DELETE

34 PARADISE

§95.8003 VOR FEDERAL AIRWAYS CHANGEOVER POINTS

AIRWAY SEGMENT

CHANGEOVER POINTS

FROM

TO

DISTANCE

FROM

V-60

IS AMENDED TO DELETE

ALBUQUERQUE, NM VORTAC

OTTO, NM VOR

23 ALBUQUERQUE

BIORKA ISLAND, AK VORTAC

IS AMENDED TO READ IN PART

SISTERS ISLAND, AK
VORTAC

55 BIORKA ISLAND

V-104

IS AMENDED TO READ IN PART

MONTPELIER, VT VOR/DME

BERLIN, NH VOR/DME

39 MONTPELIER

LEWISTON, ID VOR/DME

IS AMENDED BY ADDING

SALMON, ID VOR/DME

90 LEWISTON

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 4 and 10

[T.D. 83-214]

Customs Regulations Amendments
Relating to the Vessel Documentation
ActAGENCY: U.S. Customs Service,
Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations to clarify the documentation procedure for U.S. vessels engaged in various trades and to define clearly the types of supplies and equipment for vessels which are exempt from the payment of Customs duties and internal revenue taxes. These conforming amendments, which are procedural and technical in nature, are necessary due to changes in the Vessel Documentation Act.

EFFECTIVE DATE: November 14, 1983.

FOR FURTHER INFORMATION CONTACT: Harold Singer, Carriers, Drawback and Bond Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-5706).

SUPPLEMENTARY INFORMATION:

Background

Pursuant to Pub. L. 96-549, the Vessel Documentation Act, ("the Act") the Coast Guard revised and simplified its regulations contained in Part 67 of Title 46, CFR, relating to vessel documentation. Federal documentation of vessels, a form of national licensing, is required for the operation of certain vessels in certain trades, serves as evidence of vessel nationality, and, with certain exceptions, permits vessels to be subject to preferred mortgages.

One of the responsibilities of Customs in connection with the arrival and entry of vessels is to ensure compliance with the Coast Guard documentation requirements. The new Coast Guard regulations were published as Coast Guard Decision 80-107 in the *Federal Register* on June 24, 1982 (47 FR 27490), to amend 46 CFR Parts 66, 67, 68, and 69. The regulations revise terminology and simplify the requirements controlling vessel documentation, administrative procedures and paperwork without making substantive changes in the underlying requirements. The Act and the revised Coast Guard regulations became effective July 1, 1982.

This document amends Part 4, Customs Regulations (19 CFR Part 4), to

clarify the documentation procedure for U.S. vessels engaged in various trades, and § 10.59, Customs Regulations (19 CFR 10.59), to define clearly the types of supplies and equipment for vessels which are exempt from Customs duties and internal revenue taxes. These conforming amendments, which are procedural and technical in nature, are necessary due to changes in the Act which was set forth as T.D. 82-138 on page 19 of the Customs Bulletin of August 11, 1982.

Specifically, several changes to the Customs Regulations are involved. One change in § 4.0(c), under the heading "General definitions", would be to revise the term "documented" from a vessel registered, enrolled and licensed, or licensed by the Coast Guard, to a vessel for which a valid Certificate of Documentation, form CG 1270, ("Certificate") issued by the Coast Guard, is outstanding. Upon a vessel's qualification and its owner's proper application to the appropriate Coast Guard office, a Certificate will be issued by the Coast Guard to certify licensing of that vessel for registry, coastwise trade, Great Lakes trade, the fisheries, or pleasure use.

Coast Guard Decision 80-107 contains information regarding each of these five trades for which a Certificate may be endorsed and the privileges acquired through such endorsements. This information is as follows:

A *registry endorsement* is available to a vessel to be employed in foreign trade; trade with Guam, American Samoa, Wake Island, Midway, or Kingman Reef; and in other employments for which a coastwise license or Great Lakes license or fishery license is not required (46 CFR 67.17-3).

A *coastwise license endorsement* entitles the vessel to employment in the coastwise trade, the fisheries, and in any other employment for which a registry or Great Lakes license is not required (46 CFR 67.17-5).

A *Great Lakes license endorsement* entitles the vessel to engage in the coastwise trade and the fisheries on the Great Lakes and their tributaries and connecting waters, in trade with Canada, and in any other employment for which a registry, a coastwise license, or a fishery license is not required (46 CFR 67.17-7).

Subject to federal and state laws regulating the fisheries, a *fishery license endorsement* authorizes the vessel to fish within the fishery conservation zone as defined in 16 U.S.C. 1811 and landward of that zone, and to land its

catch, wherever caught, in the United States (46 CFR 67.17-9).

A *pleasure license* entitles a vessel to pleasure use only (46 CFR 67.17-11).

Generally, any vessel of at least 5 net tons and wholly owned by a United States citizen or citizens is eligible for documentation. However, a vessel must also be built in the United States to qualify for a coastwise, Great Lakes, or fisheries license.

The Certificate may be simultaneously endorsed for operation under as many licenses as the vessel is qualified for and for which application has been made. However, where a vessel possesses a Certificate bearing 2 or more endorsements, the actual use of the vessel determines the license under which it is operating.

The revised term "documented", and the various "documented" classifications (registry, coastwise trade, Great Lakes trade, the fisheries, and pleasure use) would be inserted in certain other provisions of Part 4, Customs Regulations, and in § 10.59(e), Customs Regulations, to provide clarity and consistency.

Another change would be to revise § 4.80(h), Customs Regulations, to correspond with the amendment to 46 U.S.C. 319, by increasing the civil penalty for an undocumented vessel that arrives at a port without the proper Certificate. As amended by section 126(e)(1) of the Act, an undocumented vessel will be subject to a civil penalty of \$500, as opposed to the existing \$30 fine, for each port at which it arrives without a proper Certificate. This provision applies to any vessel employed in one of the trades, other than a trade covered by a registry, for which a Certificate is issued under the vessel documentation laws. Further, if this undocumented or improperly documented vessel has on board any foreign merchandise, sea stores excepted, or any domestic taxable alcoholic beverages, on which the duty and taxes have not been paid or secured to be paid, the vessel and its cargo are subject to seizure and forfeiture.

The other changes are minor technical and conforming amendments which provide clarity and consistency. These changes are not substantive, but merely procedural and are necessary to correspond to the new Coast Guard requirements. They are conforming amendments which are being made as part of Customs continuing program to obtain more efficient use of its personnel, facilities, and resources, and to provide better service to carriers, importers, and the public.

List of Subjects**19 CFR Part 4**

Customs duties and inspection, imports, cargo vessels, coastal zone, fisheries, fishing vessels, harbors, reporting requirements, vessels, yachts.

19 CFR Part 10

Customs duties and inspection, imports, fisheries.

Regulations Amendments

To conform the Customs Regulations to the Vessel Documentation Act and to changes in the Coast Guard regulations, Part 4, Customs Regulations (19 CFR Part 4), and Part 10, Customs Regulations (19 CFR Part 10), are amended in the following manner:

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

1. Section 4.0(c) is revised to read as follows:

§ 4.0 General Definitions.

(c) The term "documented" vessel means a vessel for which a valid Certificate of Documentation, form CG 1270, issued by the U.S. Coast Guard is outstanding. Upon qualification and proper application to the appropriate Coast Guard Office, the Certificate of Documentation may be endorsed for (1) registry (generally, available to a vessel to be employed in foreign trade, trade with Guam, American Samoa, Midway, or Kingman Reef, and other employments for which another endorsement is not required), (2) coastwise license (generally, entitles a vessel to employment in the coastwise trade, the fisheries, and other employments for which another endorsement is not required), (3) Great Lakes license (generally, entitles a vessel to engage in the coastwise trade and the fisheries on the Great Lakes and their tributary and connecting waters, in trade with Canada, and in other employment for which another endorsement is not required), (4) fishery license (generally, subject to federal and state laws regulating the fisheries, entitles a vessel to fish within the fishery conservation zone (16 U.S.C. 1811) and landward of that zone and to land its catch) or (5) pleasure license (entitles a vessel to pleasure use only). Generally, any vessel of at least 5 net tons and wholly owned by a United States citizen or citizens is eligible for documentation except that for a coastwise, Great Lakes, or fisheries license endorsement a vessel must also be built in the United States. Detailed Coast Guard regulations on

documentation are set forth in title 46, Code of Federal Regulations, § 67.01-67.45.

§ 4.3 [Amended]

2. Section 4.3 is amended by inserting the words "in accordance with § 4.9" at the end of paragraph (a).

3. Sections 4.7(d) (1) and (2) are revised to read as follows:

§ 4.7 Inward foreign manifest; production on demand; contents and form.

(d)(1) The master or owner of—
(i) A vessel documented under the laws of the United States with a registry, coastwise license, or Great Lakes license endorsement, or a vessel not so documented but intended to be employed in the foreign, coastwise, or Great Lakes trade, or
(ii) A documented vessel with a fishery license endorsement which has a permit to touch and trade (see § 4.15) or a vessel with a fishery license endorsement lacking a permit to touch and trade but intended to engage in trade—

at the port of first arrival from a foreign country shall declare on Customs Form 226 any equipment, repair parts, or materials purchased for the vessel, or any expense for repairs incurred, outside the United States, within the purview of section 466, Tariff Act of 1930, as amended (19 U.S.C. 1466).^{1a} If no equipment, repair parts, or materials have been purchased, or repairs made, a declaration to that effect shall be made on Customs Form 226.

(2) If the vessel is at least 500 gross tons, the declaration shall include a statement that no work in the nature of a rebuilding or alteration which might give rise to a reasonable belief that the vessel may have been rebuilt within the meaning of the second proviso to section 27, Merchant Marine Act, 1920, as amended (46 U.S.C. 883), has been effected which has not been either previously reported or separately reported simultaneously with the filing of such declaration. The district director shall notify the U.S. Coast Guard vessel documentation officer at the home port of the vessel of any work in the nature of a rebuilding or alteration, including the construction of any major component of the hull or superstructure of the vessel, which comes to his attention unless the district director is satisfied that the owner of the vessel has filed an application for rebuilt determination as required by 46 CFR 67.27-3.

4. Section 4.7(d)(4) is removed.

5. Section 4.9(a) is revised to read as follows:

§ 4.9 Formal entry.

(a) Section 4.3 provides which vessels are subject to formal entry and which are exempt from formal entry requirements. The formal entry of an American vessel from a foreign port or place shall be in accordance with section 434, Tariff Act of 1930 (19 U.S.C. 1434).^{2a} The term "American vessel" means a vessel of the United States (see section 4.0(b)) as well as a vessel entitled to be documented (see section 4.0(c)) except for its size when arriving by sea (if less than 5 net tons and arriving otherwise than by sea, see Part 123 of this chapter). The required oath on entry shall be executed on Customs Form 1300.

6. Section 4.9(c) is revised to read as follows:

§ 4.9 Formal entry.

(c) The master of any foreign vessel shall exhibit the vessel's document to the district director on or before the entry of the vessel. After the net tonnage has been noted, the master may deliver it to the consul of the nation to which such vessel belongs, in which event he shall file with the district director the certificate required by section 435, Tariff Act of 1930 (19 U.S.C. 1435). If not delivered to the consul, the document shall be deposited in the customhouse. Whether delivered to the foreign consul or deposited at the customhouse, the document shall not be delivered to the master of the foreign vessel until clearance is granted under section 4.61.²¹

7. The first sentence of § 4.14(a)(1) is revised to read as follows:

§ 4.14 Foreign equipment purchases by, and repairs to, American vessels.

(a) *Dutability of foreign repairs and equipment purchases.* (1) *Items subject to duty.* The equipment, or any part thereof, including boats, purchased for, or the repair parts or materials to be used, or the expenses for repairs made, including the cost of labor incurred, outside the United States, upon any vessel documented under the laws of the United States with a registry, coastwise trade license, or Great Lakes license endorsement, or intended to be employed in such trade, are dutiable at the rate of 50 percent ad valorem on the actual cost in the country where the

items are purchased or the repairs are made. * * *

8. Sections 4.14(a)(2) (i)-(iv) are revised to read as follows:

(a) * * *

(2) *Dutiable costs on specific types of vessels*—(i) *Fishing vessels.*

Documented vessels of the United States with a fishery license endorsement having a permit to touch and trade (see § 4.15) and documented vessels with a fishery license endorsement which lack a permit to touch and trade are subject to this section.

(ii) *Government-owned or chartered vessels.* Vessels owned or chartered by the United States Government, if documented with a registry, coastwise trade, or Great Lakes trade endorsement, or if undocumented, intended to engage in foreign, coastwise or Great Lakes trade, are subject to this section. See paragraph (b)(2)(i) of this section with respect to entry procedures for Government vessels.

(iii) *Special purpose vessels*—(A) *Defined.* A vessel which is documented with a registry, coastwise trade, or Great Lakes trade endorsement, but is designed and used primarily for purposes other than transporting passengers or merchandise, is considered to be a "special purpose vessel."

(B) *Requirements for declaration and entry.* The owner or master of a special purpose vessel shall declare and enter all items purchased, or repairs made, outside the United States unless Customs previously has ruled the vessel is a special purpose vessel and the vessel arrives in a port of the United States two years or more after its last departure from a port of the United States. Under these circumstances, only those items (with the exception of fish nets and netting) purchased and repairs made, outside the United States during the first six months after the vessel's last departure from the United States shall be declared and entered. Fish nets and netting purchased or repaired outside the United States shall be declared and entered whether or not purchased or repaired during the first six months after departure. A copy of the applicable Customs ruling and a certification from the owner or master that the vessel was used during its last voyage primarily for purposes other than transporting passengers or merchandise shall be furnished with the declaration and entry.

(C) *Dutiable items.* If the special purpose vessel is operated in

international or foreign waters two years or more after its last departure from the United States, the only dutiable items are fish nets and netting whenever purchased and any other items purchased or repairs made during the first six months after the vessel's last departure from the United States.

(iv) *LASH Barges.* Lighter-abroad-ship (LASH) barges (see §§ 4.81 and 4.81a) and similar vessels documented with a registry, coastwise trade, or Great Lakes trade endorsement or, if undocumented, intended to engage in such trade, are subject to this section.

9. The first sentence of section 4.15(a) is revised to read as follows:

§ 4.15 Fishing vessels touching and trading at foreign places.

(a) Before any vessel documented with a fishery license endorsement shall touch and trade at a foreign port or place, the master shall obtain from the district director a permit on Customs Form 1379 to touch and trade. * * *

10. Section 4.15(b) is revised to read as follows:

(b) Upon the arrival of a documented vessel with a fishery endorsement which has put into a foreign port or place, the master shall report its arrival, make entry, and conform in all respects to the regulations applicable in the case of a vessel arriving from a foreign port.

11. Section 4.15(d) is revised to read as follows:

(d) No permit to touch and trade shall be issued to a vessel which does not have a Certificate of Documentation with a fishery license endorsement.

12. Sections 4.21(b) (11) and (12) are revised to read as follows:

§ 4.21 Exemptions from tonnage taxes.

(b) * * *

(11) It is a tug with a Great Lakes license endorsement on its vessel document, when towing vessels which are required to make entry.

(12) It is a documented vessel with a Great Lakes license endorsement which has touched at an intermediate foreign port or ports during a coastwise voyage.

13. Sections 4.60(b) (1) and (2) are revised to read as follows:

§ 4.60 Vessels required to clear.

(b) The following vessels are not required to clear:

(1) A documented vessel with a pleasure license endorsement or an undocumented American pleasure vessel (i.e., an undocumented vessel wholly owned by a United States citizen or citizens, whether or not it has a certificate of number issued by the State in which the vessel is principally used under 46 U.S.C. 1466-1467 and not engaged in trade nor violating the Customs or navigation laws of the United States and not having visited any hovering vessel (see 19 U.S.C. 1709(d)).

(2) Any documented vessel with a Great Lakes license endorsement which during a voyage on the Great Lakes will touch at a foreign port only for taking on bunker fuel.⁹¹ (see § 4.82).

14. Section 4.64 is revised to read as follows:

§ 4.64 Documentation.

No clearance shall be granted to any documented vessel bound to a foreign port or place unless it has a Certificate of Documentation with a registry or, if departing for Canada, a Great Lakes license endorsement.

15. Part 4 is amended by removing footnote number "102".

16. Section 4.68(a) is revised to read as follows:

§ 4.68 Crew; passengers.

(a) Clearance shall not be granted to any vessel bound on a foreign voyage or engaged in the whale fishery until a crew list has been delivered to the district director in duplicate on Customs and Immigration Form I-418. The district director shall certify the duplicate copy and return it to the master for later presentation to Customs (see § 4.9(b)).

17. Sections 4.80(a) (2) and (3), (d), and (h) are revised to read as follows:

§ 4.80 Vessels entitled to engage in coastwise trade.

(a) * * *

(2) Owned by a citizen, is exempt from documentation, and is entitled to or, except for its tonnage, would be entitled to be documented with a coastwise license or, where appropriate, a Great Lakes license endorsement.

(3) Owned by a partnership or association in which at least a 75 percent interest is owned by such a citizen, is exempt from documentation and is entitled to or, except for its tonnage, or citizenship of its owner, or both, would be entitled to be

documented for the coastwise trade. The term "citizen" for vessel documentation purposes, whether for an individual, partnership, or corporation owner, is defined in 46 CFR Subpart 67.03.

(d) No vessel owned by a corporation which is a citizen of the United States under the Act of September 2, 1958 (46 U.S.C. 883-1) shall be used in any trade other than the coastwise trade and shall not be used in that trade unless it is properly documented for such use or is exempt from documentation and is entitled to or, except for its tonnage, would be entitled to a coastwise license, or where appropriate, a Great Lakes license endorsement. Such a vessel shall not be documented for nor engage in the foreign trade or the fisheries and shall not transport merchandise or passengers coastwise for hire except as a service for a parent or a subsidiary corporation as defined in the aforesaid Act or while under demise or bareboat charter at prevailing rates for use otherwise than in trade with noncontiguous territory of the United States to a common or contract carrier subject to Part III of the Interstate Commerce Act, as amended (49 U.S.C. 901-923), which otherwise qualifies as a citizen of the United States under section 2 of the Shipping Act, 1916, as amended (46 U.S.C. 802), and which is not connected, directly or indirectly, by way of ownership or control with such owning corporation.

(h) Any vessel, entitled to be documented and not so documented, employed in a trade for which a Certificate of Documentation is issued under the vessel documentation laws (see § 4.0(c)), other than a trade covered by a registry, is liable to a civil penalty of \$500 for each port at which it arrives without the proper Certificate of Documentation. If such a vessel has on board any foreign merchandise (sea stores excepted), or any domestic taxable alcoholic beverages, on which the duty and taxes have not been paid or secured to be paid, the vessel and its cargo are subject to seizure and forfeiture.

18. Section 4.81(a) is revised to read as follows:

§ 4.81 Reports of arrivals and departures in coastwise trade.

(a) No vessel which is documented with a coastwise license or registry endorsement or is owned by a citizen and exempt from documentation, and which is in ballast or laden only with domestic products or passengers being carried only between points in the

United States shall be required to report arrival or to enter when coming into one port of the United States from any other such port, except as provided for in sections 4.83 and 4.84, nor to obtain a clearance, permit to proceed, or permission to depart when going from one port in the United States to any other such port except when transporting merchandise to a port in noncontiguous territory.¹¹¹

19. The first sentences of § 4.82 (a) and (c) are revised to read as follows:

§ 4.82 Touching at foreign port while in coastwise trade.

(a) A documented vessel with a registry or, where appropriate, a Great Lakes license endorsement which, during a voyage between ports in the United States, touches at one or more foreign ports and there discharges or takes on merchandise, passengers, baggage, or mail¹¹² shall obtain a permit to proceed or clearance at each port of lading in the United States for the foreign port or ports at which it is intended to touch.

(c) Upon arrival from the foreign port or ports at the subsequent port in the United States, a report of arrival and entry of the vessel shall be made, and tonnage taxes shall be paid unless the vessel is properly operating under a document with Great Lakes license endorsement.

20. Section 4.83(b) is revised to read as follows:

§ 4.83 Trade between United States ports on the Great Lakes and other ports of the United States.

(b) A vessel in the coastwise trade only, which is proceeding from a port of the United States on the Great Lakes via the Hudson River and otherwise than by sea, may operate under a document with a Great Lakes license endorsement and shall not be subject to the requirements for clearance, report of arrival, or entry.

21. The first sentence § 4.85(a) is revised to read as follows:

§ 4.85 Vessels with residue cargo for domestic ports.

(a) Any foreign vessel or documented vessel with a registry or, where appropriate, a Great Lakes license endorsement, arriving from a foreign port with cargo or passengers manifested for ports in the United States other than the port of first arrival, may proceed with such cargo or passengers from port to port, provided a vessel

bond (Customs Form 7567 or 7569) in a suitable amount is on file with the district director at the port of first entry.¹¹⁵

22. Section 4.87(a) is revised to read as follows:

§ 4.87 Vessels proceeding foreign via domestic ports.

(a) Any foreign vessel or documented vessel with a registry or, where appropriate, a Great Lakes license endorsement may proceed from port to port in the United States to land cargo or passengers for foreign ports.

23. Section 4.88(a) is revised to read as follows:

§ 4.88 Vessels with residue cargo for foreign ports.

(a) Any foreign vessel or documented vessel with a registry or, where appropriate, a Great Lakes license endorsement which arrives at a port in the United States from a foreign port shall not be required to unlade any merchandise manifested for a foreign destination provided a vessel bond (Customs Form 7567 or 7569) in a suitable amount is on file with the district director at the port of first entry.¹¹⁹

24. Section 4.90(d) is revised to read as follows:

§ 4.90 Simultaneous vessel transactions.

(d) A documented vessel may engage in transactions (2), (4), (5), or (6) only if the vessel's document has a registry or, where appropriate, a Great Lakes license endorsement. Such a vessel shall not engage in transactions (1) or (3) unless permitted by the endorsement on its Certificate of Documentation to do so.

25. The first sentence of § 4.94(a) is revised to read as follows:

§ 4.94 Yacht privileges and obligations.

(a) Any documented vessel with a pleasure license endorsement shall be used exclusively for pleasure and shall not transport merchandise nor carry passengers for pay.

26. Sections 4.96 (b) and (c) are revised to read as follows:

§ 4.96 Fisheries.

(b) Except as otherwise provided by treaty or convention to which the United States is a party (see paragraphs (d) and

(g) of this section), no foreign-flag vessel shall, whether documented as a cargo vessel or otherwise, land in a port of the United States its catch of fish taken on board such vessel on the high seas or fish products processed therefrom, or any fish or fish products taken on board such vessel on the high seas from a vessel engaged in fishing operations or in the processing of fish or fish products. (46 U.S.C. 251). This prohibition applies regardless of the intended ultimate disposition of the fish or fish products (e.g., it applies to transshipments from the foreign vessel to another vessel in United States territorial waters; it applies to landing for transshipment in bond to Canada or Mexico; it applies to landing for exportation under bond; and it applies to landing in a Foreign Trade Zone). However, the prohibition is limited to fish, or fish products processed therefrom, taken on board the foreign vessel on the high seas.

(c) A vessel of the United States to be employed in the fisheries must have a Certificate of Documentation endorsed with a fishery license. "Fisheries" includes the planting, cultivation, catching, taking, or harvesting of fish, shellfish, marine animals, pearls, shells or marine vegetation at any place within the territorial waters of the United States or the fishery conservation zone established by 16 U.S.C. 1811.

§ 4.96 (Amended)

27. Part 4 is further amended by removing section 4.96(h) and footnotes 131b and 132c.

(R.S. 251, secs. 2, 3, 23 Stat. 118, as amended, 119, as amended, secs. 309, 317, 46 Stat. 690, and amended, 696, as amended sec. 624, 46 Stat. 759, sec. 101, 76 Stat. 72, 77A Stat. 14 (5 U.S.C. 301, 19 U.S.C. 66, 1202, 1309, 1317, 1624, 46 U.S.C. 2, 3; General Headnote 11, 12, Tariff Schedules of the United States))

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

The first sentence of § 10.59(e) is revised to read as follows:

§ 10.59 Exemption from customs duties and internal-revenue tax.^{5,6}

(e) A documented vessel with a fisheries license endorsement and foreign fishing vessels of 5 net tons or over may be allowed to withdraw distilled spirits (including alcohol), wines, and beer conditionally free under section 309, Tariff Act of 1930, as amended (19 U.S.C. 1309), if the district director is satisfied from the quantity requested, in the light of (1) whether the vessel is employed in substantially

continuous fishing activities, and (2) the vessel's complement, that none of the withdrawn articles is intended to be removed from the vessel in, or otherwise returned to, the United States without the payment of duty or tax. * * *

(R.S. 251, as amended, secs. 309, 317, 624, 46 Stat. 690 as amended, 696, as amended 759, 77A Stat. 14; 5 U.S.C. 301, 19 U.S.C. 66, 1202, 1309, 1317, 1624 (G.H. 11, 12, Tariff Schedules of the United States))

Executive Order 12291

Because these amendments do not meet the criteria for a "major rule" as defined by section 1(b) of E.O. 12291, the regulatory impact analysis prescribed by section 3 of the E.O. is not required.

Inapplicability of Regulatory Flexibility Act

This document is not subject to the provisions of sections 603 and 604 of title 5, United States Code, as added by section 3 of Pub. L. 96-354, the "Regulatory Flexibility Act." That Act does not apply to any regulations such as these for which a notice of proposed rulemaking is not required by the Administrative Procedure Act (5 U.S.C. 551 *et seq.*) or any other statute.

Inapplicability of Public Notice

Because these amendments merely clarify existing regulations, only implement a statutory requirement, and impose no additional duty or burden on the public, pursuant to 5 U.S.C. 553(b)(3), notice and public procedure are unnecessary.

Drafting Information

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

Robert P. Schaffer,

Acting Commissioner of Customs.

Approved: September 21, 1983.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

(FR Doc. 83-27827 Filed 10-12-83; 8:45 am)

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Dichlorvos

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 supplemental new animal drug applications (NADA's) filed by SDS Biotech Corp., providing for use of a 3.1-percent dichlorvos premix and providing that the requirements of section 512(m) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360b(m)) are waived for the use of premixes containing 3.1 and 9.6 percent dichlorvos.

EFFECTIVE DATE: October 13, 1983.

FOR FURTHER INFORMATION CONTACT: Adriano R. Gabuten, Bureau of Veterinary Medicine (HFV-135), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4913.

SUPPLEMENTARY INFORMATION: SDS Biotech Corp., 7528 Auburn Rd., P.O. Box 348, Concord Township, Painesville, OH 44077, submitted supplements to their approved NADA's 40-848 and 49-032 requesting approval for making a 3.1-percent dichlorvos premix and that the requirements of section 512(m) of the act be waived for premixes containing 3.1 percent and 9.6 percent dichlorvos for use in making finished swine feeds. The requirements of section 512(m) of the act are presently waived for finished feeds made from feed supplements containing up to 0.768 percent of dichlorvos. The supplemental applications are approved, and the regulations are amended accordingly.

Dichlorvos as the sole drug premix meets the uniform criteria set forth in the 1971 Bureau of Veterinary Medicine memoranda for administrative waiver of the ministerial requirements of section 512(m) of the act. The pertinent provisions of the memoranda indicate that waiver is appropriate if:

1. The feeding of 1.5X to 2X the level of the product in the finished feed does not have an impact on the tissue residue picture, i.e., an impact on an existing withdrawal period or tolerance.

2. The product is not a known carcinogen or is not classed with a family of known carcinogens.

3. Appropriate documentation covering animal safety is on file. This will not require additional generation of data in that this documentation is by definition a part of the new animal drug application (NADA).

4. The margin of safety to the animal and safety to the consumer is such that the product label does not have to contain a statement such as "Use as the sole source of * * *".

5. Data are on file to demonstrate that the product is efficacious over the