The regulation with respect to Florida Valencia and other late type oranges, is issued under the marketing agreement and Order No. 905 (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines and tangelos grown in Florida.

The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended 7 U.S.C. 601–674). This action is based upon information submitted by and recommendation of the Citrus Administrative Committee, and upon other available information.

The minimum grade requirement specified herein reflect the Department's appraisal of the need to relax the grade requirements applicable to Florida Valencia and other late type oranges to U.S. No. 2 Russet (external) and U.S. No. 1 (internal) in recognition of the diminishing available supplies of such fruit. Without this amendment the grade requirement would be U.S. No. 1. The industry has reported continued market demand for the remaining supplies of such fruit. Such revision is designed to augment the total available supply of marketable fruit. It is hereby found that this regulation will tend to effectuate the declared policy of the Act.

It is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 533). It is necessary to effectuate the declared purposes of the Act to make this regulatory provision effective as specified. This amendment relieves restrictions on domestic and export shipments of Florida Valencia and other late type oranges.

List of Subjects in 7 CFR 905

Marketing agreements and orders, Florida, Grapefruit, Oranges, Tangelos, Tangerines.

PART 905—[AMENDED]

Accordingly, the provisions of § 905.306 are amended by revising the following entries in Table I, paragraph (a), applicable to domestic shipments, and Table II, paragraph (b), applicable to export shipments, to read as follows:

§ 905.306 Orange, Grapefruit, Tangerine and Tangelo Regulation 6.

(a) * * *

TABLE I

Variety	Regulation period	Minimum grade	Minimum diameter (in.)
(1)	(2)	(3)	(4)
* *	* *	* *	*
Oranges:			
Valencia and other late type	5/31/84–9/30/84	U.S. No. 2 Russet (External)	2 9/16
		U.S. No. 1 (Internal)	
	On and after 10/1/84	U.S. No. 1	2 9/16
* *	* *	* *	*

(b) * * *

TABLE II

Variety	Regulation period	Minimum grade	Minimum diameter (in.)
(1)	(2)	(3)	(4)
* *	* *	* *	*
Oranges:			
Valencia and other late type	5/31/84–9/30/84	U.S. No. 2 Russet (External)	2 4/16
		U.S. No. 1 (Internal)	
	On and after 10/1/84	U.S. No.1	2 4/16
* *	* *	* *	*

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 31, 1984.

Charles R. Brader,

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 84-15008 Filed 6-4-84; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 908

[Valencia Orange Reg. 327, Amdt. 2; Valencia Orange Reg. 329]

Valencia Orange Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Amendment 2 of Regulation 327 further increases the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period May 25–31, 1984. Regulation 329 establishes the quantity of Valencia oranges that may be shipped during the period June 8–14, 1984. Such action is needed to provide for orderly marketing of fresh Valencia oranges for the specified periods due to the marketing situation confronting the Valencia orange industry.

DATES: Amended Regulation 327 (§ 908.627) is effective for the period May 25–31, 1984. Regulation 329 (§ 908.629) becomes effective June 8, 1984.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone: 202–447–5975.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities.

This final rule is issued under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The amendment and regulation are based upon the recommendation of and information submitted by the Valencia Orange Administrative Committee and upon other available information. It is found that this action will tend to effectuate the declared policy of the Act.

The amendment and regulation are consistent with the marketing policy for 1983–84. The marketing policy was recommended by the committee following discussion at a public meeting on February 14, 1984, at Ventura, California. The committee met again publicly on May 29, 1984, and by telephone on May 30, 1984, to consider the current and prospective conditions of supply and demand for California-Arizona Valencia oranges. The committee reports the demand for Valencia oranges is strong. Since there are Valencia oranges available to meet this demand, it is in the interest of producers and consumers to further increase the allotment for the period May 25–31, 1984. However, it is not expected that this level of demand will be maintained for the period June 8–14, 1984. Therefore, a lower allotment is established for that period.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of Valencia oranges. To effectuate the declared purposes of the Act, it is necessary to make these provisions effective as specified, and handlers have been notified of these actions and their effective dates.

List of Subjects in 7 CFR Part 908

Marketing agreements and orders, California, Arizona, Oranges (Valencia).

PART 908—[AMENDED]

Section 908.627 Valencia Orange Regulation 327 is revised to read as follows:

§ 908.627 Valencia Orange Regulation 327.

The quantities of Valencia oranges grown in California and Arizona which may be handled during the period May 25–31, 1984, are established as follows:

(a) District 1: 423,000 cartons;
(b) District 2: 477,000 cartons;
(c) District 3: Unlimited cartons.

Section 908.629 Valencia Orange Regulation 329 is added to read as follows:

§ 908.629 Valencia Orange Regulation 329.

The quantities of Valencia oranges grown in California and Arizona which may be handled during the period June 8–14, 1984, are established as follows:

(a) District 1: 235,000 cartons;
(b) District 2: 265,000 cartons;
(c) District 3: Unlimited cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 31, 1984.

Charles R. Brader,

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 84–14937 Filed 6–4–84; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 238

Contracts With Transportation Lines; Addition of Aloha Airlines, Inc.

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule adds Aloha Airlines, Inc. to the list of carriers which have entered into agreements with the Service to guarantee the passage through the United States in immediate and continuous transit of aliens destined to foreign countries.

EFFECTIVE DATE: May 16, 1984.

FOR FURTHER INFORMATION CONTACT: Loretta J. Shogren, Director, Policy Directives and Instructions, Immigration and Naturalization Service, 425 I Street, NW., Washington, D.C. 20536, Telephone: (202) 633–3048.

SUPPLEMENTARY INFORMATION: This amendment to 8 CFR 238.3 is published pursuant to 5 U.S.C. 552. The Commissioner of Immigration and Naturalization Service entered into an agreement with Aloha Airlines, Inc. on May 16, 1984 to guarantee passage through the United States in immediate and continuous transit of aliens destined to foreign countries.

The agreement provides for the waiver of certain documentary requirements and facilitates the air travel of passengers on international flights while passing through the United States.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment merely makes an editorial change to the listing of transportational lines.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that the rule will not have a significant impact on a substantial number of small entities.

This order constitutes a notice to the public under 5 U.S.C. 552 and is not a rule within the definition of section 1(a) of E.O. 12291.

List of Subjects in 8 CFR Part 238

Airlines, Aliens, Government contracts, Travel, Travel restriction.

PART 238—CONTRACTS WITH TRANSPORTATION LINES

Accordingly, 8 CFR Part 238 is amended as follows:

§ 238.3 [Amended]

In § 238.3 Aliens in immediate and continuous transit, the listing of transportation lines in paragraph (b) *Signatory lines* is amended by:

Adding in alphabetical sequence, "Aloha Airlines, Inc."

(Secs. 103, 66 Stat. 173 (8 U.S.C. 1103); 238, 66 Stat. 202 (8 U.S.C. 1228))

Dated: May 30, 1984.

Andrew J. Carmichael, Jr.,

Associate Commissioner, Examinations, Immigration and Naturalization Service.

[FR Doc. 84–14963 Filed 6–4–84; 8:45 am]

BILLING CODE 4410–10–M

FARM CREDIT ADMINISTRATION

12 CFR Part 618

General Provisions; Technical Assistance and Financially Related Services

AGENCY: Farm Credit Administration.

ACTION: Final rule.

SUMMARY: The Farm Credit Administration ("FCA"), by its Federal Farm Credit Board ("Federal Board"), adopts new regulations and amends existing regulations setting out the authorization for technical assistance and financially related services programs and requiring district board policy guidelines and FCA approval for such programs. This regulation allows the Farm Credit System ("System") institutions greater latitude in developing and implementing technical assistance and financially related services programs pursuant to district policies, FCA regulations, and the Farm Credit Act of 1971, as amended (Pub. L. 92–181 as amended by Pub. L. 96–592) ("Act").

EFFECTIVE DATE: Thirty days from this publication date, provided either or both houses of Congress are in session. Notice of the effective date will be published.

FOR FURTHER INFORMATION CONTACT: Charles E. Baker, Financially Related Services Section, (703) 883–4200 or Kenneth L. Peoples, Office of the General Counsel (703) 883–4024, Farm

Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090.

SUPPLEMENTARY INFORMATION: On November 25, 1983, FCA noticed and published for public comment proposed amendments to 12 CFR Part 618 (48 FR 53126-53127), which combine FCA Regulations § 618.8000, § 618.8010, and § 618.8020 into one regulation, § 618.8000, concerning technical assistance and financially related services. A detailed explanation of the proposed amended regulation 12 CFR 618.8000 may be found in the preamble to the proposed rulemaking in the Federal Register (48 FR 53126). The Federal Board considered each of the comments received and adopted the final regulation at its April 2-4, 1984 meeting.

The new regulation affords System institutions more flexibility to develop and implement assistance and service programs in order to respond to the changing agricultural and financial environment. System institutions must be able to be innovative and develop new products to meet the assistance and service needs of their constituency. Under various provisions of the Act, System institutions are authorized to extend technical assistance and financially related services to System borrowers, applicants, members, and other persons eligible to borrow. The regulation directs district and bank boards of directors desiring to offer new assistance and service programs to establish policies governing the development, implementation, marketing, and offering of technical assistance and financially related services programs within the general regulatory guidelines and submit them to FCA for approval.

The revisions permit the banks to research, develop, and implement new programs with fewer regulatory constraints. In keeping with FCA's intent to reduce its involvement in bank operations and management, the FCA will concentrate its efforts on maintaining a strong supervisory and examination program to evaluate the technical assistance and financially related services implemented by the banks.

Four parties commented on the proposed regulations, representing three Farm Credit districts. Two responses supported the proposed regulation generally and did not offer any suggested changes. The other two commentators did not express objection to the regulation but offered changes that were considered by the Federal Board and are discussed in detail below.

One party suggested that the word "cooperative" be inserted in § 618.8000(a) to assure that cooperatives are included as eligible participants in technical assistance and financially related services programs. The same party also suggested that "by bank management" be substituted in paragraph (b)(5) for the words "by the board" and that the following sentence be added: "Bank management will provide the board with a report on cost effectiveness." This party stated that bank management should develop the cost benefit analyses for consideration by the board of directors. Both of these suggestions were adopted by the Federal Board.

The other party made two comments concerning paragraph (c)(1), which sets forth the required documentation that a district must provide FCA for approval of new services. First, it was suggested that the word "marketing" in the third clause be changed to "selling," to limit the required documentation to the planned distribution of the services and delete the requirement for complete marketing plans. The Federal Board declined to adopt this suggestion as it intends the clause to require complete marketing plans of any proposed service or assistance. This party also suggested that the fourth clause regarding proposed contractual obligations be amended to read "any initial contractual obligations," to clarify that it would not be FCA's intent to approve all program contractual obligations and revisions. The Federal Board believes this addition is unnecessary and therefore did not adopt the proposed change. The Federal Board regards proposed contractual obligations to be an important part of any new assistance and service program and has required such obligations to be submitted as a part of FCA's approval of a new program. The regulation does not state nor suggest that the FCA would require approval of all contractual obligations or revisions after approval has been effected. Such a reading is contrary to the FCA's new policy to give System institutions greater flexibility in providing assistance and services to System borrowers. Following FCA approval of a new program, the FCA will evaluate the bank's performance in implementing the program through its examination and supervisory activities.

List of Subjects in 12 CFR Part 618

Agriculture, Archives and records, Banks, banking, Rural areas.

For reasons set out in the preamble, Part 618 of Chapter VI, Title 12 of the Code of Federal Regulations is amended as shown:

PART 618—GENERAL PROVISIONS

Subpart A (§ 618.8000) is revised to read as follows:

Subpart A—Technical Assistance and Financially Related Services

Sec.
618.8000 Policy guidelines.

Authority: Sec. 5.9, 5.12, 5.18, Pub. L. 92-181, 85 Stat. 619, 620, 621 (12 U.S.C. 2243, 2246, 2252).

Subpart A—Technical Assistance and Financially Related Services

§ 618.8000 Policy guidelines.

(a) Banks and associations are authorized to provide such technical assistance and to make available to borrowers, members, applicants, and other persons eligible to borrow, such financially related services appropriate to their on-farm, aquatic, and cooperative operations as may be authorized under policies adopted by district and bank boards.

(b) District and bank boards are authorized to establish policies governing the development, implementation, marketing, and offering of technical assistance and financially related services programs. These policies require the approval of the Farm Credit Administration and shall meet the following general guidelines:

(1) All assistance and services shall be offered to borrowers on an optional basis. Where the bank or association requires assistance or service as a condition to borrow, the bank or association must inform the borrower that he or she may purchase the assistance or service from the bank or association or from any other person or entity offering the same or similar service.

(2) All costs of assistance or services to the user shall be identified and disclosed separately from any interest charge that may be related to the transaction.

(3) The institutions of the System shall cooperate and coordinate the offering of assistance and services programs. Banks and associations within a district shall offer assistance or services through a single program, or, at a minimum, through common programs within a district.

(4) Banks and associations shall maintain such detailed records as are required by the bank to ensure compliance with this regulation and bank policies. Each supervisory bank

shall conduct a review, at least annually, at the bank and association level of each technical assistance and financially related services program offered in the district. The results of the reviews shall be presented to the bank board.

(5) Each bank board shall evaluate the financial feasibility of the bank's financially related services based on annual reports from management. Costs and benefits of closely related programs may be combined in making the financial feasibility evaluation. Bank management shall determine the cost effectiveness of each program through a cost accounting system that records both direct and indirect costs. Indirect benefits may be included but must be determined in a systematic and consistent fashion.

(c) Each technical assistance and financially related services program and the related bank policies must be approved by the Farm Credit Administration. In developing new assistance or services, districts shall provide the following documentation to the Farm Credit Administration:

(1) A complete description of the type of assistance or service(s) to be offered through the program; the persons or entities to be served by the program; the methods to be employed in marketing the program; any contractual obligations to be established between the bank or association, the users, and third parties that may be involved in offering the assistance or service program; and the legal basis for offering the assistance or service program.

(2) Evidence that the bank and associations are providing and supervising a credit program on a high quality and competitive basis and that their respective operations can accommodate diversification through the development, implementation, and operation of a technical assistance or financially related services program.

(3) Evidence that an adequate level of coordination exists among the banks within the district so that the assistance or services programs will be offered by the banks and associations on a coordinated basis.

Donald E. Wilkinson,
Governor.

[FR Doc. 84-14965 Filed 6-4-84; 8:45 am]
BILLING CODE 6705-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 10, 19, 24, 113, 125, 141, 142, 143, 144, and 146

[T.D. 84-129]

Customs Regulations Amendments To Revise Customs Form 7501 and To Replace Other Forms

AGENCY: Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends various parts of the Customs Regulations to provide for the use of a revised Customs Form 7501 and the elimination of other forms.

In addition to containing all of the data elements necessary for the assessment of duty and collection of import statistics, the revised Customs Form 7501, the "Entry Summary," replaces the following Customs Forms:

1. Customs Forms 7501, 7501A, 7501B, 7501C, the "Consumption Entry;"

2. Customs Forms 7502, 7502A, 7502B, 7502C, the "Warehouse or Rewarehouse Entry;"

3. Customs Form 5101, the "Entry Record;"

4. Customs Form 5119–A, the "Informal Entry" (Only the non-serially numbered 4-part carbon salable form used by the importer would be replaced. The serially numbered Customs Form 5119–A would be retained);

5. Customs Form 7500, the "Appraisement Entry," and

6. Customs Form 7521, the "Entry for Bonded Manufacturing Warehouse, and Permit."

This document includes the revised Customs Form 7501 and instructions as well as the regulations changes.

The purpose of this final rule is to improve the procedure used by Customs for the entry of imported merchandise and the collection of statistics, and to reduce the paperwork burden on the importing community by eliminating forms and assuring that only necessary information will be collected.

EFFECTIVE DATE: January 1, 1985.

FOR FURTHER INFORMATION CONTACT: Herbert H. Geller, Duty Assessment Division (202–566–5307); Dale F. Snell, Jr., Program Planning Staff (202–566–5865); U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

SUPPLEMENTARY INFORMATION:

Background

Pub. L. 95–410 (92 Stat. 888), the "Customs Procedural Reform and Simplification Act of 1978," approved October 3, 1978 (the "Act"), made significant changes in the Customs laws relating to the entry of imported merchandise. A document amending the Customs Regulations to establish new procedures needed to reflect these changes was published as T.D. 79–221 in the **Federal Register** on August 9, 1979 (44 FR 46794).

Section 102 of the Act amended section 484(a), Tariff Act of 1930, as amended (19 U.S.C. 1484(a)), by providing that entry shall be made by filing that documentation necessary to enable Customs to determine whether the merchandise may be released from Customs custody. Section 102 also provided that documentation necessary to classify and appraise merchandise and to verify statistical information shall be filed at the time prescribed by regulation, either when entry is made, or at any time within 10 working days thereafter. Furthermore, section 102 provided for the issuance of regulations to ensure the accuracy and timeliness of statistics under the new entry procedures, particularly statistics with regard to the classification and value of imports.

One of the changes made by T.D. 79–221 involved the revised entry concept. The entry of imported merchandise is a 2-part process consisting of (1) filing the documentation necessary to determine whether merchandise may be released from Customs custody, and (2) filing the documentation which contains information for duty assessment and statistical purposes.

Section 141.0a(a), Customs Regulations (19 CFR 141.0a(a)), defines "entry" to mean that documentation required by § 142.3, Customs Regulations (19 CFR 142.3), to be filed with the appropriate Customs officer to secure the release of imported merchandise from Customs custody, or the act of filing that documentation. Section 141.0a(b), Customs Regulations (19 CFR 141.0a(b)), defines "entry summary" to mean any other documentation necessary to enable Customs to assess duties and collect statistics on imported merchandise, and determine whether other requirements of law or regulation are met.

Entry summary documentation is required to be filed within 10 working days after the "time of entry" as defined in §141.68, Customs Regulations (19 CFR 141.68).

Section 142.3(a)(1), Customs Regulations (19 CFR 142.3(a)(1)), provides that the entry documentation required to secure the release of merchandise shall consist of Customs Form 3461 (also used currently as an application for special permit for immediate delivery), appropriately modified, or Customs Form 7533, appropriately modified, in place of Customs Form 3461 for merchandise imported from a contiguous country (Canada or Mexico).

Section 142.11(a), Customs Regulations (19 CFR 142.11(a)), states that entry summary shall be on (1) Customs Form 7501 for both merchandise formally entered for consumption, and formally entered under a temporary importation bond; (2) Customs Form 3311 for merchandise which may be entered free of duty; and (3) Customs Form 7502 for warehouse entries.

Section 142.3(b), Customs Regulations (19 CFR 142.3(b)), provides that when the entry summary is filed at the time of entry, Customs Form 3461 or 7533 shall not be required, and Customs Form 7501, 7502, or 3311 shall serve as both the entry and entry summary documentation.

For merchandise entitled to be entered under an informal entry, Customs Form 5119–A, or Customs Form 7501, appropriately modified, may be used.

For imported merchandise used in a bonded manufacturing warehouse, Customs Form 7521 shall be used to make entry.

Under the regulations, various Customs forms may be used for the entry of imported merchandise depending upon the circumstances. However, in light of the changes in the entry procedures necessitated by the Act, Customs believes it is beneficial to the importing community and the Government to revise Customs Form 7501 to improve the procedures for entering imported merchandise and at the same time, eliminate other Customs forms. The revised form is a critical element in achieving national uniformity in entry processing.

Furthermore, revising Customs Form 7501 and eliminating other forms is consistent with the objectives of the "Paperwork Reduction Act of 1980" (Pub. L. 96–511, December 11, 1980). In this regard, this project assures that Customs collects only necessary information from the public and eliminates those burdens which are unnecessary and wasteful.

In this regard, on November 1, 1983, Customs published a notice in the **Federal Register** (48 FR 50342), proposing to amend various parts of the Customs Regulations to provide for the use of a revised Customs Form 7501, the "Entry/Entry Summary," and the elimination of the following Customs forms:

1. Customs Forms 7501, 7501A, 7501B, 7501C, the "Consumption Entry;"
2. Customs Forms 7502, 7502A, 7502B, 7502C, the "Warehouse or Rewarehouse Entry;"
3. Customs Form 5101, the "Entry Record;"
4. Customs Form 5119–A, the "Informal Entry" (Only the non-serially numbered 4-part carbon salable form used by the importer would be replaced. The serially numbered Customs Form 5119–A would be retained. All references in the regulations to Customs Form 5119–A would mean the serially numbered form); and
5. Customs Form 7500, the "Appraisement Entry."

The proposal also included a draft of the revised Customs Form 7501 and instructions explaining the use of this form.

Commenters had until January 3, 1984, to submit comments. Based upon the 28 comments received in response to the notice and Customs own initiative, some changes have been made to the proposal. A discussion and analysis of the comments follow.

Discussion of Comments

Format

Comment: Customs Form 7501 should be entitled "Entry Summary", rather than "Entry/Entry Summary".

Response: Customs agrees. Customs Form 7501 will be entitled, "Entry Summary."

Comment: Concerning Customs Form 5101, the following should be considered:

(a) It is not expensive or time-consuming to complete Customs Form 5101, so why eliminate it? Less than 10 percent of Customs Form 7501 need be completed; therefore, there is a paper waste.

(b) Customs Form 5101 should be retained until a new drawback form is available.

(c) When Customs Form 7501 is used for drawback, it need not be signed inasmuch as Customs Form 5101 is not signed when used for drawback.

(d) The instructions for the proposed form do not include an entry type code for drawback. An entry type code of "5" is used presently on Customs Form 5101.

Response: (a) Elimination of Customs Form 5101 is consistent with the policy determination to reduce the number of unnecessary Customs forms whenever possible.

(b) Customs is revising the drawback forms. They may be available before the implementation date of the revised Customs Form 7501. However, in the event the drawback forms are not ready, Customs Form 7501 must be used in the interim.

(c) Customs agrees that when Customs Form 7501 is used for drawback, it need not be signed.

(d) The instructions have been revised to reflect an entry type code of "5" for drawback.

Comment: A unique prefix, such as a "V" designation should be used to indicate visa numbers on Customs Form 7501.

Response: The visa number will have a "V" designation as a prefix.

Comment: More vertical space is needed for boxes 28–35 because the revised form would allow fewer line items per page than the current Customs Form 7501. To obtain more vertical space, consider:

(a) Leaving the boxes for the declaration on the front and retaining the wording on the reverse;

(b) Reducing the space for the ultimate consignee name and address (box 9);

(c) Limiting the location of goods (box 25) to one line; and

(d) Reducing the size of the signature of the declarant, title and date (box 41).

Response: Because the average is 1.8 lines per entry, Customs does not believe there will be a vast increase in number of pages per entry summary. The form will handle 2–3 lines per page. However, the form has been further revised to allow the same vertical space as on the current Customs Form 7501.

(a) Customs disagrees. Every effort was made to eliminate any data on the reverse of the form for clarity and to reduce expenses.

(b), (c), (d) Customs agrees that boxes 9, 25, and 41 are large. However, conformity with the U.N. Layout Key requirements and elimination of unnecessary data elements has resulted in the amount of space provided for these data elements.

Comment: Elimination of the declaration on the reverse of the form will result in little or no reduction in cost of the form.

Response: Customs believes that the cost savings—approximately 5 percent—is more than adequate to justify the change.

Comment: The requirement that additional information be provided on a separate attachment (because of a lack of space on the form) effectively eliminates any benefits derived from the reduction in forms.

Response: Customs disagrees. The separate attachment will be used only where specific data element instructions so indicate. Instances generally requiring multiple responses (e.g. country of origin, foreign port of lading) will be handled on the form itself.

Comment: Warehouse entries should continue to be a different color.

Response: Customs disagrees. The cost savings achieved in not using a different color will outweigh any administrative savings in processing the form.

Comment: The declaration should not contain language relating to assists and rebates.

Response: Customs notes that section 484(a)(1)(B), Tariff Act of 1930, as amended (19 U.S.C. 1484(a)(1)(B), requires the filing of "such other documentation as is necessary to enable such officer to assess properly the duties on the merchandise, collect accurate statistics with respect to the merchandise, and determine whether any other applicable requirement of law (other than a requirement relating to release from Customs custody) is met." Customs believes that the assist and rebate data provides such information and that, because the importer of record is liable for both submitting the above information and for the payment of duties, he should be required to respond by completing the declaration. Importers should obtain the information necessary to answer these questions in the same manner they obtain the other data for Customs Form 7501. To include the substance of the questions in the declaration on Customs Form 7501 does not increase the reporting burden on the public in contravention of the Paperwork Reduction Act. Customs has determined to require that a declaration be made concerning rebates and assists.

Comment: The revised Customs Form 7501 does not lend itself easily to manual typing (e.g., names and addresses for importer of record and ultimate consignee should be linear).

Response: Customs disagrees. The form is designed for typing manually as well as printing. While the location of data elements was aligned in accordance with the U.N. Layout Key, the size of the elements and tab stops were designed to facilitate preparation.

Comment: Additional room at the top of the form should be allocated for a broker's name and address.

Response: All available space for the broker's name and address has been provided.

Comment: A statistical copy need not be on yellow paper inasmuch as this would add to the cost of printing the form. White paper can be used and the page can be designated "Bureau of Census Copy."

Response: A yellow Customs Form 7501 for statistical purposes is required by the Bureau of Census. Yellow was found to be the best color for identification and microfilm reproduction of the statistics copy. With the importance placed upon accurate trade statistics, this need is more critical than the printing expense to be incurred.

Comment: A single consistent data base covering all petroleum imports must be developed by the Government.

(a) Petroleum statistics could be enhanced if actual sediment and water volumes are deducted for "Out-Turn" volumes reportable.

(b) Petroleum statistics could be further enhanced by requiring four additional elements:

(1) Was the cargo purchased from an affiliate?

(2) Was the cargo purchased F.O.B. port of lifting, C.I.F. port of landing, high seas or other?

(3) What is the country of origin, and crude oil or product type?

(4) What volume was the company invoiced?

Response: Customs cannot revise Customs Form 7501 to accommodate these requested data elements without first soliciting public comments on the proposal. However, it is doubtful that the form could accommodate additional data satisfactorily because of severe space limitations. Additionally, the reporting burden would be a sizable increase for one segment of the importing community.

Data Elements

Comment: Box 1. This box is too small.

Response: The box was designed to handle the new entry numbering system under the Customs Automated Commercial System (ACS), and is adequate.

Comment: Box 2. Entry type codes do not provide for drawback entry.

Response: The omission of a drawback entry code was an oversight. Code "5" has been added for this purpose. Customs anticipates that a new series of entry type codes for ACS may be available before implementation of Customs Form 7501, in which case, the instructions will be so revised.

Comment: Box 3. This box is too large.

Response: Customs intends to date stamp this block and therefore, needs the space.

Comment: Boxes 6 and 7.

(a) Box 6 should be entitled "surety code number" and not "bond number," and

(b) Space should be provided to allow for the recording of a surety's actual bond number.

Response: (a) With implementation of ACS and the revised bond structure, each bond will have its own unique number to facilitate tracking and liability as well as identifying the surety company. In the interim, three digit numeric codes that identify the surety will be collected in this box.

(b) With limited space available, no space can be alloted for a surety company's assigned individual bond number.

Comment: Boxes 9 and 11. The spaces for names and addresses of importers of record and ultimate consignee should be linear.

Response: The form was designed for alignment with the U.N. Layout Key. Location of data elements was somewhat restricted. Also, a horizontal format is contrary to common forms design and completion practices.

Comment: Boxes 10 and 12. The format for IRS numbers does not provide for a suffix thus causing importers to obtain a different number.

Response: In the instructions for those boxes, the second example shown for box 10, lists "IRS number with suffix." The format described is provided.

Comment: Box 15. The box for country of origin holds only one country code. Because most entries cover multiple countries, many entries will require an attachment or additional pages of the form.

Response: The location of a box for country of origin in the header is in conformity with the U.N. Layout Key. Additionally, with an average entry being 1.8 lines, it is reasonable to assume that more entries are covered by one country of origin than multiple countries. For multiple country of origins, as provided in the instructions, the code would be placed in box 28 and be reported per line item, thus not using more space nor requiring any additional attachments.

Comment: Box 25.

(a) The space is too large; and

(b) It should be transposed with box 19, "B/L or AWB No."

Response: (a) and (b) The space and location were so provided to accommodate future reporting requirements for warehouse entries.

Comment: Box 36.

(a) This box is for the declaration of owner or purchaser, or importer of record on behalf of another. There is no provision for a customhouse broker who merely acts as agent for an owner or purchaser.

Response: The declaration has been amended to correct this oversight.

General Discussion

Comment: Customs should:

(a) Continue to use the current Customs Form 7501 and merely modify it to replace the warehouse, rewarehouse, appraisement, and informal entries;

(b) Replace Customs Form 5101, and manually or automatically place the data appearing thereon on the current forms;

(c) Revise Customs Form 3461 concurrently with Customs Form 7501; and

(d) Revise Customs Form 7501 by stamping it "Entry" and using it as an entry document if Customs Form 3461 is to be eliminated.

Response: (a) The revised Customs Form 7501 is a modification of the current Customs Form 7501 which incorporates the forms cited. Alignment of this form with the U.N. Layout Key requires more changes than a slight modification of the present form. Additionally, with the implementation of ACS and Automated Broker Interface (ABI), further changes were required.

(b) Customs Form 5101 is incorporated into the new form. To do otherwise would still require a revision to the current Customs Form 7501 or require free form information (not in a specified block), on the form.

(c) Customs intends to revise Customs Form 3461 in the future; however, that form is more dependent upon the progress of project ACCEPT than ACS and ABI.

(d) Customs does not plan to eliminate Customs Form 3461 and use Customs Form 7501 in its place.

Comment: There is no need to follow the U.N. Layout Key because Customs Form 7501 is not prepared in conjunction with other documents; it is a national, not an international, form.

Response: Adoption of Customs Form 7501 to the U.N. Layout Key is beneficial for several reasons. Uniform sequence of data presentation provides a convenient link with computer processing, transmission, and output of information. Simplified standardized document preparation and processing provides savings of time, money, and effort. Standardized preparation of data, and multiple use of data, can result in document consolidation and elimination.

Customs continues to support the Administration's goals of furthering trade relations with our trading partners and reducing paperwork burdens. Adoption of this form will emphasize Customs commitment to international treaties and conventions concerned with documentation simplification and standardization, such as the International Convention on the Simplification and Harmonization of Customs Procedures (the Kyoto Convention), to which the U.S. Senate on June 21, 1983, gave its advice and consent to U.S accession. The U.S. instrument of accession to the Kyoto Convention was deposited with the Customs Cooperation Council on October 28, 1983, and became effective on January 28, 1984.

Comment: Uniformity may be achieved through ABI and the Harmonized System and not by the creation of a new entry form.

Response: Customs agrees in part. Perhaps creation of a new or revised form would not, in and of itself, create uniformity, but it does contribute to uniformity and provide the environment for change by being designed to accommodate ACS, ABI, and the Harmonized Code.

Comment: The form currently uses 5 different sets of codes and the new form will utilize 11 different codes which will cause a significant added cost.

Response: Customs disagrees. The use of a standard set of codes will facilitate entry preparation because the codes will require less typing than alpha designations. Further, by using codes, standards will be established which will lead to greater uniformity and also a greater degree of accuracy. When gathering and publishing trade statistics, use of codes will facilitate the collection, reporting, and publishing of that data.

Comment: The revised Customs Form 7501 must be changed again once ABI becomes effective. The expense to convert a system to produce a form which is short-lived is impractical. The burden hour estimate of reduction does not take into account revising the revised Customs Form 7501 again to accommodate ABI.

Response: Customs Form 7501 was revised to accommodate ABI and, therefore, no substantial change due to ABI will be necessary. Therefore, there will be no expense to convert the system for producing a new form. There is no need to consider burden hours for revising the Customs Form 7501 to accommodate ABI beause no revision is planned.

Comment: The revised form cannot accommodate future environments, (e.g., the Tariff Schedules of the United States Annotated (TSUSA) numbers under the Harmonized System has 12 characters instead of the current 8.)

Response: The form was designed to accommodate future environments. Changes due to ACS and ABI and the Harmonized System have already been adopted.

Comment: Cost to reprogram will not be offset by a savings due to forms reduction and will not have a payback within a 3-year period.

Response: Customs experience and information relative to reprogramming costs lead Customs to question the validity of such cost estimates. Doubts are based on the following: (1) A Customs data processing consultant estimates that the cost of reprogramming computers using contract programmers would generally cost $2,000. For an old and complex system for which there is no documentation and knowledgeable programmer, the cost is estimated to be $5,000; and (2) An experienced Customs operator was able to program the output of an OCR version of the Customs Form 7501 in three hours.

Comment: The current form is simple enough and a revised form offers no advantage.

Response: Customs disagrees. The revised form permits the elimination of numerous other forms. A single form will aid in uniformity of entry processing. The revised form accommodates ACS, ABI, and the Harmonized Code as well as providing an overall reduction in data elements required to be reported. Further, it is aligned to the U.N. Layout Key which is a positive step for the United States to take in international trade.

Comment: Why not permit the users of the form to design it?

Response: The regulatory process of soliciting comments on the proposed rule has provided those who use the form, both preparers and readers, to assist in its design. The responsibility for the form must, of course, rest with Customs because it must consider its own needs, those of other agencies who require the information on the form, and also all the users, large and small, brokers or importers, automated and not automated. Further, Customs had to design the form to accommodate Customs automation, (i.e., ACS and ABI) as well as the Harmonized Code and thus was in a better position to design the form.

Comment: The lead time should be longer than six months to allow the current stock of forms to be used.

Response: Customs disagrees. A delayed period of six months after publication of the final rule should be sufficient time.

Comment: Changes to CIF/FOB data.

(a) With the inception of transaction value, there is no longer a need to report PEXT and EPEX values; and

(b) There is a need to report relationship information.

Response: (a) The reporting requirement for PEXT and EPEX values have been eliminated; and

(b) Relationship information will now be reported in column 33 and will be identified with a "Y" (related) or an "N" (not related).

Comment: Specific Comments Requested on Containerized Cargo:

(a) Customs should provide containerized cargo information;

(b) The letter "C" should be used in box 20 "Mode of Transportation" to indicate containerized cargo;

(c) Box 20 should be subdivided (e.g., show code 10 for non-containerized marine transport and code 11 for containerized marine transport);

(d) Customs should provide additional subdivision for LASH, drybulk, and tanker shipments;

(e) Customs should use code 40 for air shipments in containers and 41 for non-containerized air shipments; and

(f) Instructions for providing containerized information should appear on the form itself.

Response: In the November 1, 1983, notice, specific comments were requested on the use of the letter "C" along with the code number in box 20 to designate those shipments which were containerized. While those who provided comments did approve of providing containerized cargo information, some commenters offered additional suggestions. The code numbers originally were single numeric digits. A zero was placed after each to allow for expansion within a given category. For example, code 10, sea shipments, could possibly have 10 subdivisions for future use depending upon the need for such information. Customs believes that the request for detailed containerization data meets the requirement for such need. However, there must be consistency in the use of the codes or uniformity in reporting will be lost. Therefore, Customs has determined to account for all means in which containers are used. The following will be the new codes for modes of transportation:

10—Vessel, noncontainer
11—Vessel, container
20—Rail, noncontainer
21—Rail, container
30—Road, noncontainer
31—Road, container
40—Air, noncontainer
41—Air, container.

All instructions for use of the form are self-contained. Customs, therefore, disagrees that instructions for the use of this box should appear on the form itself.

Other Changes

For imported merchandise used in a bonded manufacturing warehouse, Customs Form 7521, the "Entry For Bonded Manufacturing Warehouse, and Permit" shall be used to make entry. Customs has determined to eliminate this form and use Customs Form 7501 in its place. Therefore, § 19.14(a), and §§ 141.61(e)(1)(i)(A), (e)(1)(ii)(B), (e)(1)(ii)(C)(1), (f)(1)(iv) and (f)(2)(i), (19 CFR 19.14(a), 141.61(e)(1)(i)(A), (e)(1)(ii)(B), (e)(1)(ii)(C)(1), (f)(1)(iv), (f)(2)(i)), are being amended accordingly.

Action

This document amends various parts of the Customs Regulations to provide for the use of a revised Customs Form 7501, the "Entry Summary," and the elimination of the following Customs Forms:

1. Customs Forms 7501, 7501A, 7501B, 7501C, the "Consumption Entry;"
2. Customs Forms 7502, 7502A, 7502B, 7502C, the "Warehouse or Rewarehouse Entry;"
3. Customs Form 5101, the "Entry Record;"
4. Customs Form 5119–A, the "Informal Entry" (Only the non-serially numbered 4-part carbon salable form used by the importer would be replaced. The serially numbered Customs Form 5119–A would be retained. All references in the regulations to Customs Form 5119–A would mean the serially numbered form);
5. Customs Form 7500, the "Appraisement Entry;" and
6. Customs Form 7521, the "Entry For Bonded Manufacturing Warehouse, and Permit."

This document also includes the revised Customs Form 7501 (Attachment A) and instructions explaining the use of this form (Attachment B).

Changes to the regulations necessitated by enactment of Pub. L. 97–446 (January 12, 1983), relating to importers of record and consignees, will be the subject of a separate document. However, the declaration appearing on the front of Customs Form 7501 has been revised to conform to the new provisions of this statute.

Specifications of Customs Form 7501

The Government-printed revised Customs Form 7501, the "Entry Summary," consists of a carbon interleaved set of 5 pages, each page 8½" x 11". As a minimum, Customs requires the following pages to be filed for each entry:

Page 1. Original—white color for Customs.

Page 2. Cashier Copy—white color for Customs.

Page 3. Statistical Copy—yellow color for Bureau of Census.

The 4th and 5th pages may be used as a permit copy, receipt copy, or to fulfull a requirement of another agency such as in an antidumping duty or countervailing duty case.

The Government also will print a revised Customs Form 7501A, "Entry Summary Continuation Sheet" consisting of a carbon interleaved set of 5 pages, each 8 ½" x 11". If all line items cannot be contained on Customs Form 7501, the importer may use either (1) another Customs Form 7501 set and leave the header information blank, or (2) the continuation sheet Customs Form 7501A set.

The entry number must appear on each additional sheet.

When Customs Form 7501 is used as an informal entry, only the following encircled boxes and columns must be completed: 1, 2, 5, 11, 12, 13, 15, 17, 18, 19, 23, 27, 28, 29, 30A, 31A, 32, 33A, 34A, 34C, 35, 36, 37, 38, 39, 40, and 41.

Discussion of Customs Form 7501

The revised Customs Form 7501 and instructions appended hereto are part of a continuing Customs effort to improve the procedures for entering imported merchandise and collecting statistics. The form reduces the paperwork burden on the importing community and Customs by eliminating specified Customs forms and ensuring that only necessary data will be collected from the public.

Customs recognizes and appreciates the concern of members of the public and other agencies desiring Customs to collect additional data elements. However, Customs cannot adopt all of the suggestions and still be consistent with its objective of streamlining commercial procedures and the Administration's goal of reducing public reporting burdens and paperwork. This is especially so in this era of austerity when Customs is faced with an ever-increasing workload and declining resources. In fact, Customs has determined to eliminate some items on Customs Form 7501 that are useful, but not essential, to the performance of its mission.

The revised Customs Form 7501 has been redesigned to emphasize economy and the instructions have been simplifed and clarified. There will be an overall reduction in costs to brokers and importers because of the elimination of specified forms, and the reduction in the number of data element boxes and columns.

Production and printing costs will be reduced because there is a minimum number of copies required for each interleaved set of the form; all printing appears on one side; there is a minimum number of tab stops; and there are no spot carbons.

Data collection has been streamlined consistent with automation and the form is compatible with computer printers. Wherever possible, codes have been used in place of words.

The form addresses current requirements and future needs such as ACS, ABI, the Harmonized System, and the proposed new bond system.

Regulatory Flexibility Act

Pursuant to the provisions of section 605(b), Title 5, United States Code (as added by section 3 of the Regulatory Flexibility Act (Pub. L. 96-354), it is hereby certified that the rule will not have a significant economic impact on a substantial number of small entities.

Executive Order 12291

This document does not meet the criteria for a "major rule" as specified in section 1(b) of E.O. 12291. Accordingly, no regulatory impact analysis has been prepared.

Three areas of public comments were relevant in reaching these conclusions:

(a) Computer reprogramming costs—Commenters claim that substantial new costs would be generated to reprogram computers. Computer reprogramming costs will indeed involve new costs of from $2,000 (in the simplest case) to $5,000 (in the most complex case). However, virtually all automated parties processing Customs Form 7501 are *large* brokerage/inporting companies. Applicability of the terms of the Regulatory Flexibility Act require that significant effects be considered for *small* firms.

(b) Forms elimination—Commenters contend that forms elimination will not occur to a significant degree. Customs believes that eliminating an estimated 4.8 million forms is indeed a substantial paperwork burden reduction with significant dollar savings accruing to broker/importers of any size.

(c) Data needs of ACS and ABI programs—Commenters state that a further, later revision would be required to bring the Customs Form 7501 into conformance with expected ACS/ABI data needs. Those data needs were anticipated and built in as an integal and explicit part of this Customs Form 7501 revision. No substantial revision of the form will be necessary to include the data needs of ACS/ABI.

Paperwork Reduction Act

Pursuant to section 3504(h) of the Paperwork Reduction Act of 1980 (Pub. L. 96-511) this document is subject to review by the Office of Management and Budget (OMB). This document has been assigned No. 1515-0065.

Drafting Information

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

List of Subjects

19 CFR Part 10

Customs duties and inspection, Wildlife.

19 CFR Parts 19 and 144

Customs duties and inspection, Warehouse.

19 CFR Part 24

Customs duties and inspection, Accounting.

19 CFR Part 113

Customs duties and inspection, Surety bonds.

19 CFR Part 125

Customs duties and inspection, Freight forwarders.

19 CFR Parts 141, 142, and 143

Customs duties and inspection, Imports.

19 CFR Part 146

Customs duties and inspection, Foreign-trade zones.

Amendments to the Regulations

Parts 10, 19, 24, 113, 125, 141, 142, 143, 144, and 146, Customs Regulations (19 CFR Parts 10, 19, 24, 113, 125, 141, 142, 143, 144, and 146) are amended as set forth below.

Approved: May 14, 1984.

William von Raab,
Commissioner of Customs.

John M. Walker, Jr.,
Assistant Secretary of the Treasury.

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

Section 10.91(a) is revised to read as follows:

§ 10.91 Importation under item 306.00; entry or withdrawal under bond.

(a) The entry summary for wool or hair of the camel [82] imported for use in the manufacture of any of the articles enumerated in item 306.00, Tariff Schedules of the United States (TSUS),[83] shall be made on Customs Form 7501 and filed with the entry documentation listed in § 142.3(b) of this chapter before the merchandise shall be released. If the merchandise is to be entered for warehouse, the entry summary also shall be made on Customs Form 7501 and filed with the entry documentation listed in § 142.3(b) of this chapter. In either case, Customs Form 7501 shall serve as both the entry and the entry summary.

* * * * *

(R.S. 251, as amended (19 U.S.C. 66), sections 484, 624, 46 Stat. 722, as amended, 759 (19 U.S.C. 1484, 1624); section 301, 80 Stat. 379 (5 U.S.C. 301), Pub. L. 95-410 (Oct. 3, 1978); Pub. L. 96-511 (Dec. 11, 1980))

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

§ 19.11 [Amended]

1. Section 19.11(b) is amended by removing "7502" and inserting, in its place, "7501".

§ 19.14 [Amended]

2. The first sentence of § 19.14(a) is amended by removing "7521" and inserting, in its place, "7501".

3. Section 19.14(a) is further amended by removing the third sentence.

(R.S. 251, as amended (19 U.S.C. 66), sections 484, 624, 46 Stat. 722, as amended, 759 (19 U.S.C. 1484, 1624); section 301, 80 Stat. 379 (5 U.S.C. 301), Pub. L. 95-410 (October 3, 1978); Pub. L. 96-511 (December 11, 1980))

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

1. The fourth sentence of § 24.5(d) is revised to read as follows:

§ 24.5 Filing identification number.

* * * * *

(d) *Optical additional identification.* * * * Transactions may be associated with a specific branch office or vessel by reporting the appropriate identification number, including the two-digit suffix code, on Customs Form 7501 or the request for services.

* * * * *

2. The first sentence of § 24.5(e) is amended by removing "5101" and inserting, in its place, "7501".

(R.S. 251, as amended (19 U.S.C. 66), sections 484, 624, 46 Stat. 722, as amended, 759 (19 U.S.C. 1484, 1624); section 301, 80 Stat. 379 (5 U.S.C. 301), Pub. L. 95-410 (October 3, 1978); Pub. L. 96-511 (December 11, 1980))

PART 113—CUSTOMS BONDS

Section 113.41 is revised to read as follows:

§ 113.41 Entry made prior to production of documents.

When entry is made prior to the production of a required document, the importer shall indicate in the "Missing Documents" box (box 16) on Customs Form 7501 the missing document, whether the importer gives bond on Customs Form 7551 or 7553, or other appropriate form, or stipulates to produce such document.

(R.S. 251, as amended (19 U.S.C. 66), sections 484, 624, 46 Stat. 722, as amended, 759 (19 U.S.C. 1484, 1624); section 301, 80 Stat. 379 (5 U.S.C. 301), Pub. L. 95-410 (October 3, 1978); Pub. L. 96-511 (December 11, 1980))

PART 125—CARTAGE AND LIGHTERAGE OF MERCHANDISE

1. Section 125.31(b) is revised to read as follows:

§ 125.31 Documents used.

* * * * *

(b) Customs Form 7501, Entry Summary, annotated "Permit".

* * * * *

2. Section 125.32 is revised to read as follows:

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

When merchandise is carted or lightered to and received in a bonded store or bonded warehouse, the proprietor or his representative shall check the goods against the accompanying delivery ticket, Customs Form 6043, or copy of the permit, Customs Form 7501, and countersign the document acknowledging receipt of the merchandise as listed thereon.

(R.S. 251, as amended (19 U.S.C. 66), sections 484, 624, 46 Stat. 722, as amended, 759 (19 U.S.C. 1484, 1624); section 301, 80 Stat. 379 (5 U.S.C. 301), Pub. L. 95-410 (October 3, 1978); Pub. L. 96-511 (December 11, 1980))

PART 141—ENTRY OF MERCHANDISE

1. Paragraphs (a)(2), (d), (e)(1)(i)(A), (e)(1)(ii)(B) and (e)(1)(ii)(C) of § 141.61 are revised to read as follows:

§ 141.61 Completion of entry and entry summary documentation.

(a) *Preparation.* * * *

(2) An importer may omit from the warehouse withdrawal for consumption, Customs Form 7505 or 7519, the marks and numbers previously provided for packages released or withdrawn.

* * * * *

(d) *Importer number.* The importer number shall be reported on Customs Form 7501 as follows:

(1) *Generally.* Except as provided in paragraph (d)(2) of this section, the importer number of the importer of record and the consignee number of the ultimate consignee shall be reported for each entry summary and for each drawback entry. When the importer of record and the ultimate consignee are the same, the importer number may be entered in both spaces provided on Customs Form 7501 (boxes 10 and 12) or the importer number may be entered in the space provided for the importer (box 12) and the word "SAME" may be entered in the space provided for the ultimate consignee (box 10).

(2) *Exception.* In the case of a consolidated entry summary covering the merchandise of more than one ultimate consignee, the importer number shall be reported on Customs Form 7501 (box 12) and the notation "CONSOLIDATED" shall be made in the space provided for the consignee number (box 10).

(3) *When refunds, bills, or notices of liquidation are to be mailed to agent.* If an importer of record desires to have refunds, bills, or notices of liquidation mailed in care of his agent, the agent's importer number shall be reported on Customs Form 7501 in the box designated "Reference No" (box 22). In this case, the importer of record shall file, or shall have filed previously, a Customs Form 4811 authorizing the mailing of refunds, bills, or notices of liquidation to the agent.

(4) *Broker No.* If a broker is used, the broker's number shall be reported in the appropriate location on Customs Form 7501.

(e) *Statistical information.—(1) Information required on entry summary or withdrawal form.—(i) Where form provides space.—(A) Single invoice.* For each class or kind of merchandise subject to a separate statistical reporting number, the applicable information required by the General Statistical Headnotes, Tariff Schedules of the United States Annotated ("TSUSA"), shall be shown on the entry summary, Customs Form 7501; the transportation entry and manifest of goods, Customs Form 7512, when used to document an incoming vessel shipment proceeding to a third country by means of an entry for transportation and exportation, or immediate exportation; the rewarehouse entry, Customs Form 7519; the withdrawal form, Customs Form 7505 or 7506, in the space provided.

* * * * *

(ii) *Where the form does not provide space.* * * *

(B) The notation "Y" or "N" as appropriate, shall be placed in column 33 of Customs Form 7501, and at the top of columns 3, 4, and 5 of Customs Forms 7505 and 7506, and in the top right hand portion of Customs Form 7519, to identify the transaction as one between a buyer and a seller who are related in any manner, or as one between a buyer and a seller who are not so related.

(C) The charges (aggregate cost of freight, insurance and all other charges), shall be listed on Customs Form 7501 in column 33. The charges shall be listed on Customs Forms 7505 and 7506 in column 4 immediately below the TSUSA reporting numbers. The charges shall be listed on Customs Form 7519 in the rate column.

* * * * *

2. The last sentence of § 141.61 (f)(1)(iv) and (f)(2)(i) is revised to read as follows:

§ 141.61 Completion of entry and entry summary documentation.

* * * * *

(f) *Value of each invoice—*

(1) *Single invoice.* * * *

(iv) * * * The required information shall be shown on a worksheet attached to the form or placed across columns 30 and 31 on Customs Form 7501 and in the same general location on Customs Forms 7505, 7506, and 7519.

* * * * *

(2) *Multiple invoices.* (i) * * * The required information shall be shown on a worksheet attached to the form or placed across columns 30 and 31 on Customs Form 7501 and in the same general location as Customs Forms 7505, 7506, and 7519.

§ 141.68 [Amended]

3. The first sentence of § 141.68(h) is amended by removing "7500" and inserting, in its place, "7501".

(R.S. 251, as amended (19 U.S.C. 66), sections 484, 624, 46 Stat. 722, as amended, 759 (19 U.S.C. 1484, 1624); section 301, 80 Stat. 379 (5 U.S.C. 301), Pub. L. 95-410 (October 3, 1978); Pub. L. 96-511 (December 11, 1980))

PART 142—ENTRY PROCESS

§ 142.3 [Amended]

1. Section 142.3(b)(2) is amended by removing "7502,".

2. Section 142.11(a) is revised to read as follows:

§ 142.11 Entry summary form.

(a) *Customs Form 7501.* The entry summary shall be on Customs Form 7501 unless a different form is prescribed elsewhere in this chapter. Customs Form 7501 shall be used for merchandise formally entered for consumption, formally entered for warehouse, or rewarehouse in accordance with § 144.11 of this chapter, and formally entered under a temporary importation bond under § 10.31 of this chapter. The entry summary for merchandise which may be entered free of duty in accordance with § 10.1 (g) or (h) of this chapter may be on Customs Form 3311 instead of on Customs Form 7501. For merchandise entitled to be entered under an informal entry, see § 143.23 of this chapter.

* * * * *

3. The last sentence of § 142.16 (a) and (b) is revised to read as follows:

§ 142.16 Entry summary documentation.

(a) *Entry summary not filed at time of entry.* * * * The entry summary documentation also shall include any other documents required for a particular shipment unless a bond for missing documents is on file, as provided in § 141.66 of this chapter.

* * * * *

(b) *Entry summary filed at time of entry.* * * * The importer also shall file any additional invoice required for a particular shipment.

(R.S. 251, as amended (19 U.S.C. 66), sections 484, 624, 46 Stat. 722, as amended, 759 (19 U.S.C. 1484, 1624); section 301, 80 Stat. 379 (5 U.S.C. 301), Pub. L. 95-410 (October 3, 1978); Pub. L. 96-511 (December 11, 1980))

PART 143—CONSUMPTION, APPRAISEMENT, AND INFORMAL ENTRIES

1. Section 143.12 is revised to read as follows:

§ 143.12 Form of entry.

Application for an entry by appraisement shall be made in triplicate on the entry summary, Customs Form 7501.

2. The heading and text of § 143.24 is revised to read as follows:

§ 143.24 Preparation of Customs Form 7501 and Customs Form 5119-A.

Customs Form 7501 may be prepared by importers or their agents or by Customs officers when it can be presented to a Customs cashier for payment of duties and taxes and for numbering of the entry before the merchandise is examined by a Customs officer. Where there is no Customs cashier, Customs Form 5119-A must be used, and it shall be prepared by a Customs officer unless the form can be prepared under his control by the importer or agent for immediate use in clearing merchandise under the informal entry procedure. The conditions for the preparation of Customs Form 7501 by importers or their agents, as described in the first sentence of this section, do not apply to the acceptance of these entries for shipments not exceeding $250 in value released under a special permit for immediate delivery in accordance with Part 142 of this chapter.

(R.S. 251, as amended (19 U.S.C. 66), sections 484, 624, 46 Stat. 722, as amended, 759 (19 U.S.C. 1484, 1624); section 301, 80 Stat. 379 (5 U.S.C. 301), Pub. L. 95-410 (October 3, 1978); Pub. L. 96-511 (December 11, 1980))

PART 144—WAREHOUSE AND REWAREHOUSE ENTRIES AND WITHDRAWALS

1. Section 144.11 (a), (b), and (c) are revised to read as follows:

§ 144.11 Form of entry.

(a) *Entry.* The documentation required by § 142.3 of this chapter shall be filed at the time of entry. If the entry summary, Customs Form 7501, is filed at the time of entry for merchandise to be entered for warehouse, it shall serve as both the entry and the entry summary, and Customs Form 3461 or 7533 shall not be required. If the entry summary is not filed at the time of entry, it shall be filed within the time limit prescribed by § 142.12 of this chapter. If merchandise is released before the filing of the entry summary, the importer shall have a bond on file, as prescribed by § 142.4 of this chapter.

(b) *Customs Form 7501.* The entry summary for merchandise entered for warehouse shall be executed in triplicate on Customs Form 7501, appropriately modified, and shall include all of the statistical information required by § 141.61(e) of this chapter. The district director may require an extra copy or copies of Customs Form 7501, annotated "PERMIT" for use in connection with delivery of the merchandise to the bonded warehouse.

(c) *Designation of warehouse.* The importer shall designate on the entry summary, Customs Form 7501, the bonded warehouse in which he desires his merchandise deposited.

* * * * *

§ 144.12 [Amended]

2. Section 144.12 is amended by removing "7502" and inserting, in its place, "7501".

3. The introductory paragraph of § 144.14 is amended by removing "7502" and inserting, in its place, "7501".

4. The first sentence of § 144.36(b) is amended by removing "7502" and inserting, in its place, "7501".

5. Sections 144.41 (b) and (d) are revised to read as follows:

§ 144.41 Entry for rewarehouse.

* * * * *

(b) *Form of entry.* An entry for rewarehouse shall be made in duplicate on Customs Form 7501 and shall contain all of the statistical information as provided in § 141.61(e) of this chapter. The district director may require an extra copy or copies of Customs Form 7501, annotated "PERMIT," for use in connection with the delivery of the merchandise to the warehouse. No declaration is required on the entry.

* * * * *

(d) *Bond.* A bond on Customs Form 7555 or other appropriate form shall be filed before a permit is issued on Customs Form 7501 for sending the merchandise to the bonded warehouse. However, no entry bond shall be required if the merchandise is entered by the consignee named in the original warehouse entry bond filed at the original port of entry, or if it is entered by a transferee who has established his right to withdraw the merchandise and has filed a bond in accordance with subpart C of this part.

* * * * *

(R.S. 251, as amended (19 U.S.C. 66), sections 484, 624, 46 Stat. 722, as amended, 759 (19 U.S.C. 1484, 1624); section 301, 80 Stat. 379 (5 U.S.C. 301), Pub. L. 95-410 (October 3, 1978); Pub. L. 96-511 (December 11, 1980))

PART 146—FOREIGN-TRADE ZONES

The introductory text of § 146.21(c) is amended by removing "7502" and inserting, in its place, "7501".

(R.S. 251, as amended (19 U.S.C. 66), section 484, 624, 46 Stat. 722, as amended, 759 (19 U.S.C. 1484, 1624); section 301, 80 Stat. 379 (5 U.S.C. 301), Pub. L. 95-410 (October 3, 1978); Pub. L. 96-511 (December 11, 1980))

Editorial Note:—Attachments A and B will not be published in the Code of Federal Regulations.

BILLING CODE 4820-02-M

DEPARTMENT OF THE TREASURY
UNITED STATES CUSTOMS SERVICE

ENTRY SUMMARY

Attachment A

	1 Entry No	2 Entry Type Code	3 Entry Summary Date
	4 Entry Date	5 Port Code	
	6 Bond No	7 Bond Type Code	8 Broker/Importer File No
9 Ultimate Consignee Name and Address	10 Consignee No	11 Importer of Record Name and Address	12 Importer No
		13 Exporting Country	14 Export Date
		15 Country of Origin	16 Missing Documents
	State	17 I T No	18 I T Date
19 B L or AWB No	20 Mode of Transportation	21 Manufacturer I D	22 Reference No
23 Importing Carrier	24 Foreign Port of Lading	25 Location of Goods/G O No	
26 U S Port of Unlading	27 Import Date		

28 Line No	29 Description of Merchandise: 30 A T S U S A No B ADA CVD Case No	31 A Gross Weight B Manifest Qty	32 Net Quantity in T S U S A Units	33 A Entered Value B CHGS C Relationship	34 A T S U S A Rate B ADA/CVD Rate C I R C Rate D Visa No	35 Duty and I R Tax: Dollars	Cents

36 Declaration of Importer of Record (Owner or Purchaser) or Authorized Agent

I declare that I am the

☐ importer of record and that the actual owner purchaser or consignee for customs purposes is as shown above OR ☐ owner or purchaser or agent thereof

I further declare that the merchandise

☐ was obtained pursuant to a purchase or agreement to purchase and that the prices set forth in the invoice are true OR ☐ was not obtained pursuant to a purchase or agreement to purchase and the statements in the invoice as to value or price are true to the best of my knowledge and belief

I also declare that the statements in the documents herein filed fully disclose to the best of my knowledge and belief the true prices, values, quantities, rebates, drawbacks, fees, commissions and royalties and are true and correct, and that all goods or services provided to the seller of the merchandise either free or at reduced cost are fully disclosed. I will immediately furnish to the appropriate customs officer any information showing a different state of facts.

U.S. CUSTOMS USE		TOTALS	
A Liq Code	B Ascertained Duty	37 Duty	
	C Ascertained Tax	38 Tax	
	D Ascertained Other	39 Other	
	E Ascertained Total	40 Total	

Notice required by Paperwork Reduction Act of 1980. This information is needed to ensure that importers/exporters are complying with U.S. customs laws, to allow us to compute and collect the right amount of money, to enforce other agency requirements, and to collect accurate statistical information on imports. Your response is mandatory.

41 Signature of Declarant, Title, and Date

Customs Form 7501 (030984)

DEPARTMENT OF THE TREASURY
UNITED STATES CUSTOMS SERVICE

ENTRY SUMMARY CONTINUATION SHEET

1 Entry No

28 Line No	29 Description of Merchandise			33 A Entered Value B CHGS C Relationship	34. A T S U S A Rate B ADA/CVD Rate C I R C Rate D Visa No	35 Duty and I R Tax	
	30 A T S U S A No B ADA/CVD Case No	31 A Gross Weight B Manifest Qty	32 Net Quantity in T S U S A Units			Dollars	Cents

Customs Form 7501A (030984)

BILLING CODE 4820-02-C

1. Entry No.

Record the 12 digit numeric code. Always begin with the three digit code assigned to importers and brokers, followed by the last two digits of the fiscal year and the six digit entry number, and finally, the one digit check digit. Importer and broker codes, entry numbers, and check digits are preassigned to importers and brokers by Customs or may be obtained individually from a Customhouse entry unit. The acceptable format is as follows:

```
NNN NNNNNNNN N
 1      2    3
```

1. Importer/broker code number
2. Fiscal year and entry number
3. Check digit

Note.—A new series of eleven character entry numbers that will incorporate a three digit importer/broker filer code is planned. Until this series is adopted and due to space limitations in this block, the existing three digit importer/broker code numbers shall be recorded outside and immediately to the left of block #1.

```
Example:      | 1. Entry No.
          NNN | NNNNNNNN N
```

2. Entry Type Code

Record the appropriate entry type code by selecting the one digit code for the type of entry summary being filed:

Entry type	Entry type code
Dutiable Consumption	1
Vessel Repair	2
Appraisement (see special instructions)	3
Warehouse, or	4
Rewarehouse	4
Drawback	5
Bonded A/C Fuel	6
Free Consumption	7
Informal (see special instructions)	0

For all merchandise constructively transferred into the U.S. Customs territory from a U.S. Foreign Trade Zone (or subzone), the initials FTZ should follow the entry type code number.

Note.—A new two digit entry type code is planned which will uniquely identify all entry types including informals, quota, TIB etc.

The new procedures for Entry and Entry Type Code discussed above were the subject of a separate Federal Register Notice (Vol. 49, No. 9, Friday, January 13, 1984).

3. Entry Summary date

This block is for Customs use only to record the date the entry/entry summary is filed (6 digit numeric code showing month, day, and year—MMDDYY).

4. Entry date

Record the 6 digit numeric code; month, day, and year—MMDDYY. Normally, the date the goods are released except for immediate delivery, quota goods, or where importer/broker requests another date prior to release (see 19 CFR 141.68).

5. Port Code

Record the four digit numeric code of the port where the entry summary is filed. Port codes are to be found in Annex A of the TSUSA. The port code should be shown as follows:

NNNN (no spaces or hyphens)

Note.—These instructions will be published in pamphlet form and the schedule D port codes (currently listed as Annex A of the TSUSA) will be reproduced in their entirety as an appendix to the instructions).

6. Bond No.

Record the 3 digit numeric code that identifies the surety company on the bond. The code number is obtained from the ADP report entitled "Surety Master File" which is updated periodically. For U.S. Government importations and other entry types not requiring surety, the code 999 should appear in this block. (**Note:** This block is intentionally labeled "Bond No." rather than Surety Code No. Ultimately, bond numbers which will be unique to each surety will be recorded here).

7. Bond Type Code

Record the 1 digit numeric code as follows:

0 U.S. Government or Appraisement Entry Bond
1 Single Entry Bond
2 Consumption Term Bond
3 Temporary Importation Term Bond
4 Vessel Term Bond
5 General Term Bond

8. Broker/Importer File No.

This block is reserved for a broker's or importer's internal file number.

9. Ultimate Consignee Name and Address

Record the name and address, including zip code, of the individual or firm for whose account the merchandise is imported (if same as importer of record, record "SAME"), and enter the U.S. Postal Service's standard two-letter state or territory abbreviation in the space provided to identify the ultimate consignee state.

If entry summary represents a consolidated shipment, leave blank.

10. Consignee No.

Record the IRS, Customs assigned, or Social Security number (not required if the same as importer of record).

For consolidated shipments, enter the word "CONSOLIDATED" in capitals in this block.

Only the following formats shall be used:

IRS number	NN-NNNNNNN
IRS number with suffix	NN-NNNNNNNXX
Customs assigned number	NNNN-NNNNN
Social Security number	NNN-NN-NNNN

11. Importer of Record Name and Address

Record the name and address, including zip code. The importer of record is the individual or firm liable for payment of all duties and meeting all statutory and regulatory requirements incurred as a result of importation.

12. Importer No.

Record the IRS, Customs assigned, or Social Security number of the importer of record. For format, see instructions under "Consignee No."

13. Exporting Country

Record the exporting country utilizing ISO Alpha-2 country codes specified in the International Standard ISO 3166. (Note: Upon final acceptance of these instructions, they will be published in pamphlet form and the ISO Alpha-2 country codes (International standard ISO 3166) will be reproduced in their entirety as an appendix to the instructions).

The country of exportation shall be the country of origin except when the merchandise while located in a third country is the subject of a new purchase. In which event, the third country shall be regarded as the exporting country.

For merchandise entering the U.S. Customs territory from a U.S. Foreign Trade Zone, leave blank.

14. Export Date

For merchandise exported by vessel record the month, day, and year on which the carrier departed the last port in the exporting country (format: MMDDYY).

For merchandise exported by air, record the month, day, and year in which the aircraft departed the last airport in the exporting country (format: MMDDYY).

For overland shipments from Canada or Mexico and shipments where the port of lading is located outside the exporting country (e.g., goods are exported from Switzerland but laden and shipped from Hamburg, West Germany), record the month, day, and year in which the goods crossed the border of the exporting country (Switzerland in this example) (format: MMDDYY).

For mail shipments, record the date of export as noted on the Customs Form 3509, Notice to Addressee (format: MMDDYY).

For goods entering the U.S. Customs Territory from a U.S. Foreign Trade Zone, leave blank.

15. Country of Origin

Record the country of origin utilizing the ISO country codes specified in International Standard ISO 3166. (Note.—These instructions will be published in pamphlet form and the ISO Alpha-2 country codes (International standard ISO 3166) will be reproduced in their entirety as an appendix to the instructions).

The country of origin is the country of manufacture, production, or growth of any article of foreign origin. Further work or material added to an article in another country must effect a substantial transformation in order to render such other country the "country of origin."

When the merchandise is invoiced in or exported from a country other than that in which it originated, the actual country of origin shall be specified rather than the country of invoice or exportation.

When a single entry summary covers merchandise from more than one country of origin, record the word MULTI in this block and in column 28 directly below the line number, indicate a separate ISO code for the country of origin corresponding to each line item.

16. Missing Documents

Record the appropriate document code number(s) to indicate any documents not available at the time of filing the entry summary.

The following codes shall be used:

01. Commercial invoice
02. Form A
03. CF 3311
04. Assembly Declaration (C.R. 10.24(a)(1))
05. Declaration of Foreign Shipper (C.R. 10.1., 10.9(e), 10.84)
06. Importer Declaration (C.R. 10.9(f), 10.24(a)(2), 10.84)
07. Repair Affidivit (C.R. 10.8)
08. CF 4455
09. CF 3321 (C.R. 10.43, 10.44, 10.52, 10.75)
10. CF 5523 (C.R. 141.89)
11. CF 3291 (C.R. 12.41)
12. Original Manufacturer's Purchase Order (C.R.10.84(c))
13. Artist's Declaration (C.R. 10.48(b)(1))
14. Lease Statement (C.R. 10.108(b))
15. Re-melting Certificate (C.R. 54.6(a))
16. Corrected Commercial Invoice (C.R. 141.89, et al)
17. Other Agency Forms (C.R. Part 12)
18. Duty free entry certificate (C.R. 10.101, 832.00 TSUSA)

19 to 98. Reserved

99. If more than two documents are missing, record the code number for the first document, and insert code "99" for the second and any additional documents.

17. I.T. Number

Record the In Transit Entry number (CF 7512).

18. I.T. Date

Record the date of the In Transit Entry (CF 7512) (format: MMDDYY).

19. B/L or AWB No.

Record the number assigned on the manifest by the international ocean or air carrier delivering the goods to the United States.

For imports by rail or truck or any other means other than sea or air, leave blank.

20. Mode of Transportation

Record the method of transportation by which the imported merchandise entered the first U.S. port from the last foreign country utilizing the following 2 digit numeric codes:

10—Vessel, non-container (including all cargo at first U.S. port of unlading aboard a vessel regardless of later disposition. Lightered, land bridge, and LASH all included.)
11—Vessel, container
20—Rail, non-container
21—Rail container
30—Road, non-container (including all cargo via highway. Foot and animal borne are considered road).
31—Road, container
40—Air, non-container
41—Air, container
50—Mail
60—Not used at this time
70—Fixed transport installation (includes pipeline, powerhouse, etc.)
80—Not used at this time
90—Unknown

For merchandise entering the U.S. territory from a U.S. Foreign Trade Zone, leave blank.

21. Manufacturer I.D.

This block is provided to accommodate a future reporting requirement.

(Note.—For future reference, manufacturers will be identified by their telex number or if not available, their telephone number. Country codes used in conjunction with telex and telephone numbers (manufacturer's number) will then uniquely identify each foreign firm.)

22. Reference No.

Record the IRS, Customs assigned, or Social Security number of the individual or firm to whom refunds, bills or notices of extension or suspension of liquidation are to be sent.

For correct format of number, see instructions under "Consignee No."

23. Importing Carrier

For merchandise arriving in the U.S. by vessel, record the name of the vessel which transported the merchandise from the foreign port of lading to the first U.S. port of unlading (Note: Vessel identifier codes that are currently acceptable to the Bureau of the Census may be recorded in lieu of vessel name).

For merchandise arriving in the U.S. by air, record the IATA code corresponding to the name of the airline which transported the merchandise from the last airport of lading to the first U.S. airport of unlading.

For merchandise arriving in the U.S. by means of transportation other than by vessel or air, leave blank.

Do not record the name of a domestic carrier transporting merchandise after initial unlading in the U.S.

For merchandise arriving in the U.S. Customs territory from a U.S. Foreign Trade Zone, insert "FTZ" followed by the "FTZ" number.

24. Foreign Port of Lading

For merchandise arriving in the U.S. by vessel, record the 5 digit numeric code listed in the Department of Commerce Schedule K for the foreign port at which the merchandise was actually laden on the vessel that carried the merchandise to the U.S.

For merchandise entering the U.S. Customs territory from a U.S. Foreign Trade Zone, leave blank.

For merchandise transshipped abroad (except Canada and Mexico) in the course of shipment to the U.S. whether or not covered by a through bill of lading, do not record the code number for the foreign port of original lading or any port of lading other than the last foreign port of lading at which the merchandise was laden on the carrier which transported it to the first U.S. port of unlading.

When a single entry summary covers merchandise laden at more than one foreign port, place the word MULTI in this block, and record the foreign port of lading separately in the "Line No." column directly below the line number for each line item (or group of line items) for the merchandise laden at each foreign port (Where there are multiple ports of lading and also multiple countries of origin, see instructions under block 15. If both code numbers will be required for one line item, place the country of origin code directly below the line number, and place the port of lading code directly under the country of origin code).

25. Location of Goods/G.O. No.

Where the entry summary serves as entry/entry summary, record the pier or site where the goods are available for examination.

In the case of merchandise placed in general order record the number assigned by Customs.

In the case of goods placed in a bonded warehouse, record the name of the bonded warehouse where the goods will be delivered (or record the Customs assigned number for the bonded warehouse in this block when available).

26. U.S. Port of Unlading

For merchandise imported by vessel or air, record the four digit numeric Schedule D code which identifies the U.S. port at which the merchandise was unladen from the importing vessel or aircraft. (**Note.**—These instructions will be published in pamphlet form and the Schedule D port codes (currently listed as Annex A in the TSUSA) will be reproduced in their entirety as an appendix to the instructions).

When the port of entry differs from the port of unlading, record the code number for the port of unlading and not the code number for the port where the entry is filed (for example, if entry is filed at the Port of Los Angeles for merchandise unladen at Long Beach, California, record code 2709 (Long Beach) as the port of unlading). The same principle applies when goods are unladen at a smaller port within a consolidated port of entry (for example, entry filed at the port of Houston for merchandise unladen at Galveston record code 5310 (Galveston) as port of unlading).

For merchandise arriving in the U.S. by means of transportation other than vessel or air, leave blank.

For merchandise arriving in the U.S. Customs territory from a U.S. Foreign Trade Zone, leave blank.

27. Import Date

For merchandise arriving in the U.S. by vessel, record the month, day, and year (MMDDYY) on which the importing vessel transporting the merchandise from the foreign country arrived within the limits of the U.S. port with the intent to unlade.

For merchandise arriving in the U.S. other than by vessel, record the month, day, and year (MMDDYY) in which the merchandise arrived within the limits of the U.S.

For merchandise arriving in the U.S. Customs territory from a U.S. Foreign Trade Zone, leave blank.

28. Line No.

Record the appropriate line item number, in sequence, beginning with the number 001.

A "line item" refers to a commodity from one country, covered by a line which includes a net quantity, entered value, TSUSA number, CHGS, and rate of duty and tax. However some line items may actually include more than one TSUSA number and value. For example, many items found in schedule 8 require a dual TSUSA number. Articles assembled abroad with American components require the TSUSA number 807.00 along with the appropriate schedule 1 through 7 TSUSA number. Also, for certain steel products, there are additional duties for chromium, molybdenum, tungsten, and vanadium content which require that the individual TSUSA item numbers for these extra duties be reported in addition to the base TSUSA item number for the iron or steel product containing these alloys. In those cases where two or more TSUSA item numbers are required to be shown for a commodity, these dual reporting numbers shall be treated as one line number.

29. Description of Merchandise

A description of the articles in sufficient detail to permit the classification thereof under the proper statistical reporting number in the TSUSA.

30. A. TSUSA Number

Record the appropriate duty/statistical reporting number under which the article is classified in the Tariff Schedules of the U.S. Annotated.

If more than one TSUSA number is required, follow the reporting instructions in the statistical headnotes in the appropirate TSUSA schedule, part, or subpart.

B. Antidumping/Countervailing Duty Case Number (ADA/CVD)

Record, directly below the TSUSA number, the appropriate ADA/CVD case number(s) as assigned by the Department of Commerce, International Trade Administration.

31. A. Gross Weight

Record the gross shipping weight in pounds for articles imported in vessels or aircraft (do not report gross weight for merchandise arriving in the U.S. by other modes of transportation). The gross weight must be reported on the same line with the entered value. Supply separate gross weight information for each TSUSA item number. If the gross weight is not available for each number, approximate shipping weight for each item shall be estimated and reported. The total of these estimated weights should equal the actual gross shipping weight.

In the case of containerized cargo carried in lift vans, cargo vans, or similar substantial outer containers, the weight of such container should not be included in the gross weight of the merchandise covered by each line item.

B. Manifest Qty.

This space is provided to accommodate a future reporting requirement. The instruction will be to enter the manifest quantity and unit.

32. Net Quantity in TSUSA Units

When a unit of quantity is specified in the TSUSA for the item number, report the net quantity in the specified unit, and show the unit after the net quantity figure.

Give quantities in whole units unless fractions of units are required for other Customs purposes. When expressing fractions, decimals only shall be used.

If no unit of quantity is specified in the TSUSA for the item number, net quantity is not required to be reported and an "X" shall be recorded in the net quantity column.

If two units of quantity are shown for the item number in the TSUSA, report the net quantity in both units, with the unit indicated in each case. Insert the quantity in terms of the unit marked in the TSUSA with a superior "v" on the line with the entered value or the line immediately below. Put the quantity in terms of any other unit below the first quantity and enclose it in parantheses. Example: Shipment consists of 50 dozen all white T-shirts, weighing 2 pounds per dozen and valued at $10 per dozen.

Block 30	Block 32	Block 33
379.4010	50 doz (100 lbs)	500

33. A. Entered Value

Record the U.S. dollar value in accordance with the definition in Section 402, Tariff Act of 1930, as amended, for all merchandise.

This value shall be shown for each TSUSA item number on the same line with the item number.

Report the value in whole dollars rounded off to the nearest dollar. Dollar signs and commas shall be omitted.

B. CHGS

In accordance with TSUSA general statistical headnote 1(a)(xvi), record the aggregate cost (not including U.S. import duty, if any) in U.S. dollars of freight, insurance and all other costs, charges and expenses incurred in bringing the merchandise from alongside the carrier at the foreign port of lading in the exporting country and placing it alongside the carrier at the first U.S. port of entry.

This value shall be shown for each TSUSA item number beneath the entered value and identified with the letter "C" (e.g. C550).

Record the value in whole dollars rounded off to the nearest dollar. Dollar signs and commas shall be omitted.

C. Relationship

Record whether the transaction was between related parties (as defined in Section 402 (g)(1) of the Tariff Act of 1930, as amended) by placing a "Y" in the column for related and an "N" for non-related.

In the case of overland shipments (i.e., merchandise transported to the U.S. by means other than vessel or air) originating in Canada or Mexico, expenses incurred in transporting merchandise beyond the Canada-U.S. or Mexico-U.S. borders, by means other than vessel or air (i.e. overland by automobile, truck, train, pipeline, parcel post or mail) are not required to be reported. Consequently, an "X" shall be shown for CHGS.

34. TSUSA, ADA/CVD, I.R.C. Rate, and/or Visa Number

A. TSUSA rate—Record the rate(s) of duty for the classified item as designated in the TSUSA: free, ad valorem, specific, or compound.

B. ADA/CVD rate—Record the antidumping and/or countervailing duty rate(s) as designated by the Department of Commerce, International Trade Administration directly opposite the respective antidumping/countervailing duty case number(s) shown in column 30.

C. I.R.C. rate—Record the tax rate(s) for the classified item as designated in the TSUSA.

D. Visa Number—Record the letter "V" followed by the visa number for each line of merchandise as it appears on the invoice. Visa numbers may currently be up to 9 alpha/numeric characters. Standardization is planned.

In the event there is any other charge or exaction (e.g. fees) not enumerated above, record the rate in this column and identify each charge or exaction immediately to the left of such rate.

35. Duty and I.R. Tax

Record the estimated TSUSA duty, antidumping and countervailing duty, I.R. tax, and other charges calculated by applying the rate times the dutiable quantity or value. The amount shown in this column must be directly opposite the appropriate TSUSA, antidumping, countervailing duty, I.R. tax rate and other charges.

Dollar signs and commas shall be omitted.

36. Declaration

Self-explanatory.

37. Duty

Record the total estimated duty paid (excluding antidumping or countervailing duty).

When the entry summary consists of more than one page, record on the first page, the total estimated duty paid.

38. Tax

Record the total estimated tax paid.

When the entry summary consists of more than one page, record on the first page, the total estimated tax paid.

39. Other

Record the total estimated antidumping or countervailing duties or other charges or exactions paid.

When the entry summary consists of more than one page, record on the first page, the total amount of antidumping or countervailing duties or other charges or exactions paid.

40. Total

Record the sum of blocks 37, 38, and 39.

41. Signature of Declarant, Title and Date

Record the name and signature of the declarant, the job title of the owner, purchaser or agent who signs the declaration, and the month, day and year when the declaration is signed.

When the entry summary consists of more than one page, the signature of the declarant, title, and date must be recorded on the first page.

Facsimile signatures are acceptable when prior approval has been obtained from the district, area, or port director.

Appraisement Entry

When the CF 7501 is used as an appraisement entry, the same declaration which now appears on the CF 7500, requesting appraisement under Section 498(a) of the Tariff Act of 1930, as amended, should be added to the body of the CF 7501 or stapled on top of it in the left margin as follows:

I hereby request appraisement under Section 498(a)( ), Tariff Act of 1930, as amended. I declare, to the best of my knowledge and belief, that this entry and the documents presented therewith set forth all the information in my possession, or in the possession of the owner of the merchandise described herein, as to the cost of such merchandise; that I am unable to obtain any further information as to the value of the said merchandise or to determine its value for the purpose of making formal entry thereof; that the information contained in this entry and in the accompanying documents is true and correct; and that the person(s) named above is the owner of the same merchandise.

Signature ____________________

Title ____________________

To the District Director: The merchandise described above has been examined and the contents and values are noted above.

Examiner ____________________

Date ____________________

Customs Officer ____________________

Date ____________________

Informal Entry

Informal entries previously made on the unnumbered CF 5119–A will be made on the CF 7501. The following blocks are to be completed for informal entries: 1, 2, 5, 11, 12, 13, 15, 17, 18, 19, 23, 27, 28, 29, 30A, 31A, 32, 33A, 34A, 34C, 35, 36, 37, 38, 39, 40 and 41.

Block 25, Location of Goods, will be filled in only if merchandise has been placed in a general order warehouse.

Accelerated Drawback

When filing a drawback claim, on the appropriate drawback form, requesting accelerated drawback payment, include with the drawback entry submission, two copies of CF 7501.

Only the following data need be shown as appropriate (block numbers appear in parentheses):

Entry No. (1); Entry Type Code (2); Entry Date (4); Bond No. (6); Bond Type Code (7); Consignee No. (10); Importer No. (12); Duty (37); IR Tax (38); Total (40); Reference No. (22).

All information above pertains to the Drawback entry being filed.

Permit Copy

When the entry summary serves as entry/entry summary, an additional copy of the CF 7501 will be provided. The additional copy will be prominently marked in red ink, "PERMIT" by means of a stamp. The stamp will be in block letters and at least three inches by one inch. The CF 7501 will be stamped in the center of the body of the form.

All appropriate CF 7501 information should be provided.

Multiple Data Elements

Except where specific instructions provide, where a data block will involve more than one data element, write in the word "MULTI" and identify and list the data elements on a separate attachment to the CF 7501.

[FR Doc. 84-14712 Filed 6-4-84; 8:45 am]
BILLING CODE 4820-02-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. H-004G]

Occupational Exposure to Lead; Effective Date of Compliance Plan Requirements for Certain Industries

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Final rule.

SUMMARY: Pursuant to court order, OSHA's administrative stay of 29 CFR 1910.1025(e)(3)(ii) (B) and (E) of the lead standard for the primary and secondary smelting and battery manufacturing industries is vacated as of June 1, 1984. These provisions require employers to develop detailed written compliance plans to achieve the lead standard's permissible exposure limit through engineering and work practice controls. As proposed, OSHA hereby requires that employers in the primary and secondary smelting and battery manufacturing industries develop compliance plans containing all information in their possession by July 1, 1984 and that they come into full compliance with paragraphs (e)(3)(ii) (B) and (E) by August 1, 1984. While these dates should be feasible for most affected employers, various statutory and enforcement vehicles will be available to address individual compliance problems.

EFFECTIVE DATES: The administrative stay of § 1910.1025(e)(3)(ii) (B) and (E) is vacated as of June 1, 1984. Primary smelters, secondary smelters and battery manufacturers are required to complete compliance plans under § 1910.1025(e)(3)(ii) (B) and (E) by July 1, 1984, using information in their possession. They are further required to come into full compliance with paragraphs (e)(3)(ii) (B) and (E) by August 1, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. James Foster, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, Room N-3641, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210. Telephone: (202) 523-8148.

SUPPLEMENTARY INFORMATION: The lead standard (29 CFR 1910.1025) requires that employers reduce employee exposures to lead to the permissible exposure limit (PEL) of 50 $\mu g/m^3$, or to the lowest level feasible, through the use of engineering and work practice controls. The standard also requires that employers establish and implement a written compliance program to reduce employee exposures in accordance with the implementation schedule found in paragraph (e)(1) of the standard. Pursuant to paragraph (e)(3)(ii), written compliance plans must include the following elements:

(A) A description of each operation in which lead is emitted, e.g., machinery used, material processed, controls in place, crew size, employee job responsibilities, operating procedures and maintenance practices;

(B) A description of the specific means that will be employed to achieve compliance, including engineering plans and studies used to determine methods selected for controlling exposure to lead;

(C) A report of the technology considered in meeting the permissible exposure limit;

(D) Air monitoring data which documents the source of lead emissions;

(E) A detailed schedule for implementation of the program, including documentation such as copies of purchase orders for equipment, construction contracts, etc.;

(F) A work practice program which includes items required under paragraphs (g), (h) and (i) of this regulation;

(G) An administrative control schedule required by paragraph (e)(6), if applicable;

(H) Other relevant information.

On June 18, 1982, pursuant to industry petitions, OSHA proposed to stay the requirements of (e)(3)(ii) (B) and (E) for employers in the primary and secondary smelting and battery industries (47 FR 26960). Simultaneous with that proposal, OSHA issued an interim stay deferring the effective date of the requirements of paragraphs (e)(3)(ii) (B) and (E) for these industries. The interim stay subsequently was renewed to allow completion of the rulemaking on the stay (47 FR 26557, June 18, 1982; 47 FR 40410, September 14, 1982). On December 3, 1982, OSHA issued a final stay suspending the obligations of employers in the lead smelting and battery industries to comply with the requirements of paragraphs (e)(3)(ii) (B) and (E), pending completion of the reconsideration of the lead standard which was then underway (47 FR 54433). However, no stay was issued with respect to the obligation to prepare compliance plans containing elements (e)(3)(ii) (A), (C), (D), (F), (G) and (H) because it was felt that these elements would not involve excessive, unnecessary expenditures and would assist both OSHA and employers in realistically assessing methods for eventual compliance with the standard.

After proposing to stay the compliance plan provisions, the Agency was sued by the United Steelworkers of America (USWA), which challenged on procedural and substantive grounds the authority of the Assistant Secretary to issue the interim and final stays. That suit, filed in the U.S. Court of Appeals for the District of Columbia Circuit (Nos. 83-1022 and 83-1126) resulted in a court order dated April 17, 1984, vacating the Agency's stay of the requirements of paragraphs (e)(3)(ii) (B) and (E) as of June 1, 1984.

OSHA believed that it was necessary to allow the employers a period of time after that date to come into full compliance with these requirements. On April 24, 1984 (49 FR 17545), OSHA therefore proposed that by July 1, 1984, employers in the primary and secondary smelting and battery manufacturing industries complete compliance plans under § 1910.1025(e)(3)(ii) (B) and (E) that include all information in the possession of the employer as of July 1, 1984. Under paragraph (e)(3)(iii), these compliance plans would have to be available to OSHA and affected employees and their representatives. By August 1, 1984, these compliance plans would have to be updated to include all the information required by paragraphs (e)(3)(ii) (B) and (E).

OSHA invited comment and supporting information concerning the amount of time required for full compliance, including a discussion of the status of the development of employers' compliance plans, and the impact of such related matters as participation in the cooperative assessment program and other proceedings.

The Court's order of April 17, 1984, did not preclude continuation of this rulemaking, but required that OSHA complete rulemaking proceedings by May 31, 1984. Interested parties were given until May 21, 1984 to submit data, views and arguments regarding the proposal.

In response to the April 24, 1984 proposed rule, OSHA received eight comments. Regarding the effective dates for compliance plans, commenters raised two important points. First, some affected groups indicated that logistical problems would be encountered in attempting to comply with the August 1, 1984 deadline. For example, the Secondary Lead Smelters Association (SLSA) stated that:

> Since most secondary lead smelters do not retain engineers in-house, they will have to hire consultants to assist in the preparation of the compliance plans. The preparation of these plans will thus be very time-consuming as employers will have to: (1) Hire consultants; (2) have the consultants conduct extensive monitoring and design and possibly implement pilot installations; (3) draft a plan; and (4) prepare a detailed schedule for implementation of the plan. Clearly, the undertaking of such a complex task cannot be completed within two months (i.e. by August 1) as suggested in the proposed rule. (Ex. 544–4, p. 2)

In addition, the Lead Industries Association (LIA) and the RSR Corporation, a secondary lead smelter which incorporated LIA's comments by reference, stated that even those companies that could afford to retain engineering consultants to perform evaluations would be unable to complete the process by August 1. Furthermore, they cited other logistical problems such as obtaining competitive bids for engineering controls, getting production and delivery estimates, placing orders, and preparing implementation schedules which would go beyond an August 1 deadline (Ex. 544–6, 7). Consequently, several respondents including Amax Lead (Ex. 544–3), SLSA (Ex. 544–4), LIA (Ex. 544–6), and RSR Corp. (Ex. 544–7) were in favor of a December 1, 1984 deadline.

On the other hand, the United Auto Workers International Union (UAW), whose comments were restricted to the battery manufacturing industry, believed that the proposed deadlines for preparation of compliance plans were generous (Ex. 544–5). They requested that OSHA require all documents related to engineering controls which have been completed already be made available immediately to workers, their designated representatives and OSHA. The UAW argued that battery manufacturers' representatives were aware as of November 1983 that the Agency had made a firm decision not to reopen the issue of feasibility of the PEL and that battery manufacturers have had time since then to have prepared the plans. They further contended that manufacturers who intended to comply with the 100 $\mu g/m^3$ interim control level would have had to begin to create the same types of documents required under the stayed compliance provisions. In addition, the UAW felt that since most battery plant workers were employed by large producers or large capacity plants, companies had the technical resources to produce compliance plans promptly.

While the USWA did not object to the proposed dates, they concurred with the UAW that the proposed effective dates of July 1, 1984 for information in the employer's possession, and August 1, 1984 for all other information meeting the compliance plan requirements were "exceedingly generous to the affected industries" (Ex. 544–8). They stated that:

> The June 18, 1982 initial stay was issued only 11 days before the original deadline for written compliance plans. In contrast, OSHA intends to give employers 61 days from the date the stay is vacated (June 1), or 98 days from the date of the **Federal Register** notice informing employers that the stay would be vacated (April 24). (Ibid, pp. 1–2)

They added:

> In fact, the affected industries should have known even earlier that the stay would eventually be lifted. The June 18, 1982 **Federal Register** notice clearly states that OSHA's original decision to issue a stay was premised on the Agency's then-pending reconsideration of the standard: "In view of OSHA's reconsideration of the lead standard, which may affect the provisions of the standard with respect to the use of engineering controls, the agency agrees that to require the commitment of substantial resources to establish a comprehensive compliance program under the existing standard would not be appropriate and should be deferred pending the outcome of the reconsideration." (47 *FR* 26561) But in June, 1983, the Deputy Assistant Secretary of Labor for Occupational Safety and Health announced that OSHA had decided not to revise the standard with respect to the PEL or the means of compliance (*BNA OS&H Reporter*, Vol. 13, p. 91, June 23, 1983, attached). Thus any justification for failure to complete a compliance plan was removed almost a year ago.
>
> In short, OSHA's proposed effective dates of July 1 and August 1, 1984, give affected employers more than ample time to complete the work which should have been completed in the 11 days between the first stay and the original effective date. (Id., p. 2)

In reviewing the affected industries' comments, OSHA found no new evidence as to why the proposed deadlines cannot be met. Following judicial review, the engineering control requirements of the lead standard became effective on June 29, 1981. Primary and secondary smelters and battery manufacturers were required to have produced written compliance plans by June 29, 1982, one year after the standard became effective. The administrative stay issued on June 19, 1982, eleven days before the plans were due, further postponed their production for an additional two years.

In addition, OSHA believes that to comply with the other provisions of the standard, particularly the unstayed portions of the compliance plan provisions, affected industries should already have prepared fairly detailed written compliance plans. For example, under paragraph (e)(3)(ii)(A), employers are required to include in their plans a description of each operation in which lead is emitted, such as the machinery used, the material processed, the controls in place, the crew size and the maintenance procedures. Under paragraph (e)(3)(ii)(C), employers are required to include in their plans a report of the technology considered in meeting the PEL. Under paragraph (e)(3)(ii)(D), employers are required to include in their plans air monitoring data which document sources of lead emissions. Under paragraph (e)(3)(ii)(F), employers are required to include in their plans a work practice program which contains items required under the protective work clothing and equipment provisions, the housekeeping provisions and the hygiene facilities provisions of the lead standard. Next, paragraph (e)(3)(ii)(G) requires written documentation of an administrative control schedule if administrative controls are used as a means of reducing employees' time-weighted average exposure to lead. Finally, paragraph (e)(3)(ii)(H) requires employers to include any other relevant information in their written compliance plans. These requirements were not stayed and presumably have been complied with.

In view of the existence of this framework, development of a compliance plan which fully complies with paragraphs (B) and (E), as interpreted by the field directive that will be issued, should be feasible for affected employers by August 1, 1984. OSHA believes that further extensions of the deadlines for production of written compliance plans would be contrary to the spirit of the Court of Appeals' order. Therefore, OSHA believes that primary and secondary smelters and battery manufacturers have had sufficient time to have prepared at least the framework for written compliance plans and that the deadlines for preparation of complete plans are adequate.

In addition to logistical problems in attempting to meet the proposed effective dates, several commenters felt that the implementation of the compliance plan requirements should be integrated with the cooperative assessment programs (CAPs) already in progress. For instance, the Battery Council International (BCI) stated that the August 1 deadline for full compliance with paragraphs (e)(3)(ii) (B) and (E) was unreasonable and infeasible and they urged that full compliance with subparagraphs (B) and (E) not be required until after completion of the CAP. BCI believed that OSHA intended the CAP to reach its conclusion prior to employers being obligated to complete compliance plans pursuant to subparagraphs (B) and (E). They further stated that:

> * * * the first stage of the program—the preparation of a manual of recommended control strategies on which a firm may subsequently draw in preparing plant-by-plant compliance plans—will not be completed until after August 1, 1984. Certainly, until the cooperative assessment program has reached some conclusions, employers cannot be expected to have identified feasible control techniques, much less be in a position to prepare a detailed schedule for implementation of those techniques, including having ordered equipment, undertaken construction and the like. Moreover, as OSHA has argued to the Court of Appeals, the purpose of the cooperative assessment program is to provide employers with the information necessary to comply with subparagraphs (B) and (E) to "help assure employers that the detailed compliance plans they are required to develop will be congruent with prevailing notions of feasibility." (Ex. 554–2, pp. 6–7)

BCI concluded its comments regarding integration of the compliance dates with the CAP by adding:

> OSHA should confirm that employers which have expressed an intention to participate in the cooperative assessment program, or are members of BCI which is participating, are not required to include all of the information called for by paragraphs (B) and (E) until after Phase II of the cooperative assessment program has been completed. Thereafter, firms participating in Phase I of the cooperative assessment project should have six months to complete compliance plans. Where the employer participating in Phase II has within that time not been able to complete a tripartite or other variance application through no fault of his own, OSHA, the employers and employee representatives, where appropriate, should reach agreement, as part of Phase II of the cooperative assessment program, with regard to the date by which compliance plans must be completed. (Id., pp. 8–9).

Other commenters concurred with the BCI. For example the SLSA pointed out that:

> * * * the proposed rule appears to undermine the CAP since the program was created by OSHA to determine what controls are feasible and thus should be contained in the written compliance plans. If the proposed rule is promulgated without modification, it may serve as a disincentive to companies participating in the CAP since the employers would be required to immediately prepare compliance plans irrespective of the fact that the information necessary for the plans will not be available for several months. (Ex. 544–4, p. 3)

Consequently, the SLSA requested that OSHA modify the proposal to extend the deadline for written compliance plans in secondary smelters to December 1, 1984 for two reasons. First, the delayed implementation date would provide affected employers with sufficient time to develop the plans. Second, the delayed implementation date would permit employers participating in the CAP to utilize the manual to develop their written compliance plans.

In addition, both the LIA and the RSR Corp. requested that OSHA modify the proposal to integrate implementation of the compliance plan requirement with ongoing CAPs and variance proceedings. They pointed out that "OSHA's proposal to implement the engineering compliance plans requirement by August 1 makes no provisions for accommodating these processers and hence would have the very disruptive effect that the [A]gency has said should be avoided." (Ex. 544–6, pp. 12–13). They further recommended that the Agency not issue citations for failure to meet the effective date against employers who have initiated a study of long-term engineering control options or who have filed a variance application seeking resolution of feasibility issues and designed to lead to the issuance of an order equivalent to the production of a compliance plan.

On the other hand, both the UAW and the USWA argued that CAPs not be used as a basis for further delay in the effective dates of the compliance plan provisions of the standard. For example, the UAW argued that:

> The CAP in battery making has not yet addressed the relationship of the compliance manual to the development of individual plant compliance plans. There is no completion date projected for the manual. Therefore, it is difficult to see how this program could be reasonably relied on by any employer as an essential component of the development of control measures in a particular plant or operation. (Ex. 544–5, p. 11)

In addition, the USWA, which has been involved in several cooperative assessments related to lead, urged that these efforts not be used to further delay the compliance plan provisions of the standard. They stated that:

> The tripartite agreements between the USWA, ASARCO, and OSHA specify that those agreements are the compliance plans for the respective plant. The USWA is currently working with AMAX and OSHA to craft a similar plan for that company's lead smelter, although the final agreement will probably take the form of a temporary variance. In any event, we expect to have the agreement in place well before the August 1 deadline. The USWA is also involved directly in the cooperative assessment program for secondary smelting, and indirectly in a similar program for battery manufacture. These programs were never intended to replace or delay the compliance plan provisions of the standard. Indeed, it will be necessary for employers to prepare their own compliance plans in advance, in order to make effective use of the manuals being prepared by the cooperative assessment groups. The USWA agreed to participate in the cooperative assessment programs because we believed they would benefit our members working in the lead industries. We would be forced to reconsider our participation if OSHA were to use the programs as an excuse to delay further the compliance plan provisions of the standard. (Ex. 554–8, pp. 2–3)

They added:

> At the same time, we recognize that effective compliance plans must be updated from time to time as new control techniques become available. Therefore, proper enforcement of the compliance plan provisions should provide sufficient flexibility to accommodate engineering studies which are in progress and moving forward as quickly as possible, of control options which the employer agrees to implement if they are found to be feasible and effective. This can best be done through the publication of an appropriate field directive before the August 1 deadline. The USWA plans to submit its suggestions for such a directive in the near future. (Id., p. 3).

The cooperative assessment program was designed to control worker exposure to lead. These agreements reflect lengthy discussions between OSHA, industry, and employees (through their representatives, if any) to accommodate feasibility limitations in creating a system of technical controls and work practices that will demonstrate to both OSHA and employees that an affected industry is complying with the lead standard. Such agreements are not meant to replace the 50 ug/m³ PEL which was promulgated in 1978 and has been upheld in numerous court challenges. OSHA recognizes, however, that some plants will have difficulty in achieving the PEL with engineering controls and has taken action to alleviate these problems. Further, OSHA has recognized feasibility limitations by granting temporary variances, as in the case of MRP provisions.

OSHA believes that the compliance plan deadlines provided herein will neither undermine nor interfere with the ongoing CAPs. However, OSHA feels that the parties, including the USWA, have raised the necessity for sufficient flexibility to accommodate engineering studies currently in progress. To the extent that the August 1, 1984 effective date may not be sufficiently flexible in this regard, OSHA believes that the best way to accommodate employers currently involved in engineering studies is to issue a field directive in order to provide guidance regarding the Agency's policy for enforcing paragraph (e)(3) as of August 1, 1984.

While OSHA recognizes that some engineering studies of longer-range control options may not be completed by August 1, some of this work may have been completed when the compliance plan stay took effect in 1982. Therefore, in the event that an employer has by August 1, 1984, initiated a study of long-term engineering control options, either on its own or through active participation in a cooperative assessment with OSHA and employee representatives (where applicable), a citation for failure to meet the August 1 date will not be issued with respect to that control option, provided that the employer's compliance plan meets the guidelines described in the field directive. A draft of the field directive has been reviewed by interested parties. Their comments have been considered in developing in the final directive, which will be issued in the very near future.

Regulatory Impact and Regulatory Flexibility Assessments

OSHA hereby finds that this proposal is not "major" within the meaning of E.O. 12291 and that it does not have a significant impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Authority and Signature

This document was prepared under the direction of Patrick R. Tyson, Deputy Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue, NW., Washington, D.C. 20210. It is issued pursuant to sections 6(b) and 8(g) of the Occupational Safety and Health Act (84 Stat. 1593, 1599; 29 U.S.C. 655, 657), 5 U.S.C. 553, Secretary's Order No. 9–83 (48 FR 35736), and 29 CFR Part 1911.

List of Subjects in 29 CFR Part 1910

Occupational safety and health, Lead.

Signed at Washington, D.C. this 31st day of May, 1984.

Patrick R. Tyson,

Deputy Assistant Secretary of Labor.

[FR Doc. 84-14975 Filed 5-31-84; 2:16 pm]

BILLING CODE 4510-26-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 935

Approval of Permanent Program Amendment From the State of Ohio Under the Surface Mining Control and Reclamation Act of 1977

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule.

SUMMARY: OSM is announcing the approval of a program amendment submitted by Ohio as an amendment to the State's permanent regulatory program (hereinafter referred to as the Ohio program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment consists of changes to the Ohio regulations concerning inspection frequency for inactive operations and compliance reviews.

The Ohio Division of Reclamation (the Division) submitted the proposed program amendment on December 28, 1983. OSM published a notice in the **Federal Register** on January 26, 1984, announcing receipt of the amendment and inviting public comment on the adequacy of the proposed amendment (49 FR 3709). The public comment period ended on February 27, 1984. A review of Ohio's proposed amendment by OSM identified a concern relating to the definition of an inactive operation. OSM notified the Division about its concern and on April 25, 1983, the Division responded by submitting modifications to its proposed amendment. OSM reopened the comment period from May 4 to May 21, 1984, in order to provide the public an opportunity to reconsider the adequacy of the proposed amendment.

After providing opportunity for public comment and conducting a thorough review of the program amendment, the Director has determined that the amendment, as modified on April 25, 1984, meets the requirements of SMCRA and the Federal regulations, and is approving it. The Federal rules codifying decisions concerning the Ohio program are being amended to implement this action.

EFFECTIVE DATE: June 5, 1984.

FOR FURTHER INFORMATION CONTACT: Ms. Nina Rose Hatfield, Director, Columbus Field Office, Office of Surface Mining, Room 202, 2242 South Hamilton Road, Columbus, Ohio 43227; Telephone: (614) 866-0578.

SUPPLEMENTARY INFORMATION:

I. Background

The Ohio program was approved effective August 15, 1982, by notice published in the August 10, 1982 **Federal Register** (47 FR 34688). The approval was conditioned on the correction of 28 minor deficiencies contained in 11 conditions. Information pertinent to the general background, revisions, modifications, and amendments to the Ohio program submission, as well as the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Ohio program can be found in the August 10, 1982 **Federal Register.**

II. Submission of Revisions

By letter dated December 28, 1983, Ohio submitted revisions to Ohio rule 1501:13-14-01 *Inspections.* Specifically, the amendment included the following revisions to rule 1501:13-14-01:

(1) Paragraph (A) is revised to include definitions for "inactive coal mining and reclamation operation," "active coal mining and reclamation operation," and "compliance review technician;"

(2) Paragraph (C) is revised to require such partial inspections of inactive sites as are necessary to ensure effective enforcement;

(3) Paragraph (D) is revised to require an average of at least one complete inspection per calendar quarter of each active and inactive operation;

(4) Paragraph (J) which provided that the operator may accompany the chief during any inspection is proposed to be deleted; and

(5) Paragraph (K) concerning compliance reviews would be designated as paragraph (J) and revised to conform to the Federal rule at 30 CFR 840.16.

In addition, Ohio made several non-substantive editorial changes to rule 1501:13-14-01.

On January 28, 1984, OSM published a notice in the **Federal Register** announcing receipt of the amendment and inviting public comment on whether the proposed amendment was no less effective than the Federal regulations (49 FR 3209). The public comment period ended Febraury 27, 1984. The opportunity to request a public hearing was provided, but none was requested.

During this period OSM identified a concern with the Ohio definition of "inactive coal mining and reclamation operation." The definition distinguishes between operations conducted under a "D" permit (permanent program permits) and operations conducted under other than a "D" permit (interim program permits). The definition, for interim program operations, did not require that vegetation be established in accordance with the approved reclamation plan in order to qualify for a phase II bond release. The Federal rule at 30 CFR 840.11(f) states that a site cannot be considered inactive until a phase II bond release is approved under 30 CFR 800.40(c)(2). OSM notified Ohio about this concern by letter dated March 26, 1984, and Ohio responded by submitting an additional modification to rule 1501:13-14-01 on April 25, 1984.

On May 4, 1984, OSM published a notice in the **Federal Register** reopening and extending the public comment period on Ohio's proposed amendment as modified on April 25, 1984. (49 FR 19031). That comment period ended on May 21, 1984.

III. Director's Findings

The Director finds, in accordance with SMCRA and 30 CFR 732.17 and 732.15, that the program amendment submitted by Ohio on December 28, 1983, meets the requirements of SMCRA and 30 CFR Chapter VII, as discussed below.

The Ohio rule at 1501:13-14-01 establishes the inspection requirements for coal mining and reclamation operations.

Paragraph (A) was revised to include definitions for "inactive coal mining and reclamation operation," "active coal mining and reclamation operation," and "compliance review technician."

During review of the amendment, OSM identified a concern with the Ohio definition of "inactive coal mining and reclamation operation." The definition distinguishes between operations conducted under a "D" permit (permanent program permits) and operations conducted under other than a "D" permit (interim program permits). The definition, for interim program operations, did not require that vegetation be established in accordance with the approved reclamation plan in order to qualify for a phase II bond release. The Federal rule at 30 CFR 840.11(f) states that a site cannot be considered inactive until a phase II bond release is approved under 30 CFR 800.40(c)(2).

OSM notified Ohio about this concern by letter dated March 26, 1984, and Ohio responded by submitting an additional modification to rule 1501:13-14-01 on April 25, 1984. The modification submitted on April 25, 1984, adds a requirement that for operations conducted under permits other than "D" permits, vegetation must have been established in accordance with the reclamation plan in order to be defined as an inactive operation. The Director finds that the definition as revised is no less effective than the Federal definition at 30 CFR 840.11(f). The Director also finds that the definitions of "active coal mining and reclamation operation" and "compliance review technician" are no less effective than the Federal rules at 30 CFR 840.11 and 840.16.

Paragraph (C) was revised to require such partial inspections of each inactive coal mining and reclamation operation as are necessary to ensure effective enforcement. The Director finds this change to be no less effective than 30 CFR 840.11(a), which specifies that a State regulatory authority shall conduct such partial inspections of each inactive surface coal mining and reclamation operation as are necessary to ensure effective enforcement of its approved program.

Paragraph (D) was revised to require an average of at least one complete inspection per calendar quarter of each active and inactive operation. The Director finds this revision to be no less effective than 30 CFR 840.11(b), which specifies the requirements for complete inspections.

Paragraph (J), which provided that the operator may accompany the chief during any inspection, was deleted as being redundant. The Director finds that this revision is not inconsistent with the Federal rules. Paragraph (K) was redesignated paragraph (J) and revised to conform to the Federal rule at 30 CFR 840.16 concerning compliance reviews. Paragraph (J) provides that a permittee may request an on-site compliance conference with a compliance review technician to review proposed conditions or practices in order to be advised of whether the proposed condition or practice would violate any condition of the permit or the Ohio program. The paragraph further provides that neither the holding of a compliance conference nor any opinion given by the technician shall (a) affect any rights or obligations of the chief, the permittee or any person with respect to any inspection, notice of violation, cessation order, or other order or decision of the chief, or (b) affect the validity of any notice of violation, cessation order, or other order or decision of the chief, with respect to any condition or practice. The Director finds the revisions are no less effective than 30 CFR 840.16.

IV. Public Comments

No public comments were received.

Acknowledgments pertaining to the Ohio amendment were received from the following Federal agencies:

Department of Labor—Mine Safety and Health Administration

Department of Agriculture—Farmers Home Administration and Soil Conservation Service

Department of the Army—Office of the Chief of Engineers

The disclosure of Federal agency comments is made pursuant to section 503(b)(1) of SMCRA and 30 CFR 732.17(h)(10)(i).

V. Director's Decision

The Director, based on the above findings, is approving the December 28, 1983 amendment to the Ohio program. The Director is amending Part 935 of 30 CFR Chapter VII to reflect approval of the above State program modification.

VI. Procedural Requirements

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Statement Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule will not impose any new requirements; rather, it will ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. *Paperwork Reduction Act:* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 935

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: May 31, 1984.

J. Lisle Reed,

Acting Director, Office of Surface Mining.

PART 935—OHIO

30 CFR 935.15 is amended by adding a new paragraph (j) as follows:

§ 935.15 Approval of regulatory program amendments.

* * * * *

(j) The following amendment submitted to OSM on December 28, 1983, as modified on April 25, 1984, is approved effective upon promulgation of the revised rule by the State, provided the rule adopted is identical to the rule as submitted to and reviewed by OSM: Ohio Administrative Code Section 1501:13–14–01.

Authority: Pub. L. 95–87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*).

[FR Doc. 84–15006 Filed 6–4–84; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD11 84–44]

Marine Event; Lake Havasu Water Ski Show

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rule will establish Special Local Regulations for the first four dates in the series of water ski shows at the London Bridge Channel, Lake Havasu City, Arizona. This event was held last year as the "London Bridge Days Water Ski Show", and regulations were published in the **Federal Register** on 29 September 1983. The sponsor plans to continue this event ("Lake Havasu Water Ski Show") as a continuing series during the year. These regulations are needed to provide for the safety of life and property on navigable waters during the periods set forth.

EFFECTIVE DATE: These regulations become effective on 2 June 1984 and terminate on 14 July 1984.

FOR FURTHER INFORMATION CONTACT: LTJG Jorge Arroyo, Commander (bb), Eleventh Coast Guard District, 400 Oceangate, Long Beach, California 90822, (213) 590–2331.

SUPPLEMENTARY INFORMATION: A notice of proposed rule making has not been published for these regulations and they are being made effective in less than 10 days from the date of publication. The application to hold this event was not received until 5 May 1984, and there was not sufficient time to publish proposed rules in advance for the first four shows or to provide for a delayed effective date. A notice of proposed rule making will be published for the last four shows of this series on 4 June 1984.

Nevertheless, interested persons wishing to comment may do so by submitting written comments to the office listed under "**FOR FURTHER INFORMATION CONTACT**" in this preamble. Commenters should include their names and addresses, identify this notice CGD11 84–44, and give reasons for their comments. Based on comments received, the regulation may be changed.

Drafting Information

The drafters of this regulation are LTJG Jorge Arroyo, Chief, Boating Affairs Branch, Eleventh Coast Guard District, Project Officer, and LT Joseph R. McFaul, Project Attorney, Legal Office, Eleventh Coast Guard District.

Discussion of Proposed Regulation

Lake Havasu Water Ski Club "Lake Havasu Water Ski Shows" will be conducted on the London Bridge Channel beginning on 2 June 1984. This event will have 35 tournament ski boats that could pose a hazard to navigation. Therefore, vessels desiring to transit the regulated area may do so only with clearance from a patrolling law enforcement vessel or an event committee boat.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

In consideration of the foregoing, the Coast Guard amends Part 100 of Title 33, Code of Federal Regulations, by adding the following section:

§ 100.35–11–84–44 Lake Havasu Water Ski Show, Lake Havasu, Arizona.

(a) Regulated Area: That portion of the London Bridge Channel, Lake Havasu City, Arizona commencing approximately 200 yards north of the London Bridge, thence southerly along the channel to approximately 200 yards south of the London Bridge. Event participants will be transiting under the center span of the bridge.

(b) Effective Date: The regulated area will be closed intermittently to all vessel traffic from 6:00 PM to 7:30 PM on 2, 16, 30 June and 14 July 1984.

(c) Special Local Regulations:

(1) No vessels, other than participants, U.S. Coast Guard operated and employed small craft, public vessels, state and local law enforcement agencies and the sponsor's vessels shall enter the regulated area during the above hours, unless cleared for such entry by or through a patrolling law enforcement vessel, or an event committee boat.

(2) When hailed by U.S. Coast Guard operated and employed small craft; law enforcement agencies and/or the sponsor's vessels patrolling the event area, a vessel shall come to an immediate stop. Vessels shall comply with all directions of the designated Regatta Patrol.

(3) These regulations are temporary in nature and shall cease to be in effect at the end of each period set forth.

(46 U.S.C. 454; 49 U.S.C. 108; 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b); 33 CFR 100.35)

Dated: May 29, 1984.

F. P. Schubert,

Rear Admiral, U.S. Coast Guard, Commander, Eleventh Coast Guard District.

[FR Doc. 14844 Filed 6–4–84; 8:45 am]

BILLING CODE 4910–14–M

33 CFR Part 165

[COTP Jacksonville, Florida, Regulation 84–24]

Safety Zone Regulation; Atlantic Ocean, Jacksonville Beach, Florida

AGENCY: Coast Guard, DOT.

ACTION: Emergency rule.

SUMMARY: The Coast Guard is establishing a safety zone at Jacksonville Beach, FL as part of the Beaches Area Centennial Celebration.

The zone, which will be kept clear of all boats, is needed to protect boats and spectators from harm, and to prevent interference with an air show by the Blue Angels. Entry into this zone is prohibited unless authorized by the Captain of the Port.

EFFECTIVE DATES: This Regulation becomes effective daily, from 1:00 p.m., to 4:00 p.m., July 26 thru July 29, 1984 unless terminated sooner by the Captain of the Port.

FOR FURTHER INFORMATION CONTACT: Lieutenant R. W. CROMLEY c/o Commanding Officer, USCG Marine Safety Office, 2831 Talleyrand Avenue, Jacksonville, Florida 32206, Tel: 904–791–2648.