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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1030

Revision to Regulations on Ethics Counselor

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: The Consumer Product Safety Commission is revising its regulation concerning the agency's Ethics Counselor to show that the Assistant General Counsel for General Law is the agency's Ethics Counselor and also serves as the designated ethics official under the Ethics in Government Act. The regulation now states that these functions are performed by the Deputy General Counsel, a position that no longer exists in the Office of General Counsel.

EFFECTIVE DATE: September 10, 1984.

FOR FURTHER INFORMATION CONTACT: Beatrice Pitkin, Office of General Counsel, Consumer Product Safety Commission, Washington, D.C. 20207, telephone (301) 492-6980.

SUPPLEMENTARY INFORMATION: Subpart F of Part 1030 of Title 16 of the Code of Federal Regulations contains the Commission's regulations pertaining to employee standards of conduct and conflicts of interest. Section 1030.104 states that the official who serves as the Commission's Ethics Counselor for matters pertaining to standards of conduct for Commission employees, and as the designated ethics official under the Ethics in Government Act, is the Deputy General Counsel. However, the position of Deputy General Counsel has recently been eliminated. Therefore, the head of the agency has appointed the Assistant General Counsel for General Law as the Commission's Ethics

Counselor and the designated agency ethics official under the Ethics in Government Act. In addition, the Assistant General Counsel for Regulatory Affairs is to function as alternate designated ethics official under the Ethics in Government Act and as alternate Ethics Counselor in the absence of the Ethics Counselor.

Therefore, § 1030.104(a) has been revised to show that the Assistant General Counsel for General Law has assumed responsibilities as Ethics Counselor for all matters pertaining to standards of conduct for Commission employees and is the designated agency ethics official under the Ethics in Government Act.

Section 1030.104(b) has been revised to show that the Assistant General Counsel for Regulatory Affairs is the alternate Ethics Counselor and alternate designated agency ethics official and will act in these capacities in the absence of the Ethics Counselor.

Since this rule relates solely to internal agency management, pursuant to 5 U.S.C. 553, the agency finds that notice and other public procedures with respect to this rule are impractical and contrary to the public interest, and good cause is found for making this rule effective less than 30 days after publication in the Federal Register. Further, this action is not a rule as defined in the Regulatory Flexibility Act, 5 U.S.C. 601-612, and thus is exempt from the provisions of that act.

List of Subjects in 16 CFR Part 1030

Government employees, Conflict of interest.

PART 1030—[AMENDED]

Accordingly, Part 1030 of Title 16 of the Code of Federal Regulations is amended as shown.

1. The authority citation for Part 1030 is as follows:

Authority: E.O. 11222, 30 FR 6469, 3 CFR 1964-1965 Comp., p. 306; 5 CFR Part 735; Pub. L. 95-521, 92 Stat. 1824, as amended by Pub. L. 96-19, 93 Stat. 37 [5 U.S.C. App.].

§ 1030.104 [Amended]

2. Section 1030.104(a) is amended by removing the words, "The Deputy General Counsel for Regulatory Affairs and General Law", and inserting in their place, "The Assistant General Counsel for General Law".

3. Section 1030.104(b) is amended by removing the words, "The Assistant General Counsel for General Law" and inserting in their place, "The Assistant General Counsel for Regulatory Affairs".

Dated: September 4, 1984.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 84-23813 Filed 9-7-84; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 4

[T.D. 84-193]

Outward Cargo Declarations and Shippers' Export Declarations

AGENCY: U.S. Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations relating to outward cargo declarations used in connection with the clearance of vessels. The amendments delete references to Customs Form 1302 (Cargo Declaration), and specify precisely the information required on Customs Form 1302-A (Cargo Declaration Outward With Commercial Forms), or on the attached copies of bills of lading or equivalent commercial documents.

These amendments are being made to conform the regulations to statute, and to improve procedures for providing necessary information to Customs.

EFFECTIVE DATE: October 10, 1984.

FOR FURTHER INFORMATION CONTACT:

Donald H. Reusch, Carrier Rulings Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-5706).

SUPPLEMENTARY INFORMATION:

Background

Pub. L. 96-275, an Act "to protect the confidentiality of Shippers' Export Declarations, and to standardize export data submission and disclosure requirements," amended 46 U.S.C. 93 to provide that copies of bills of lading or equivalent commercial documents relating to all cargo encompassed by the vessel manifest shall be attached to the

manifest and delivered to the appropriate Customs officer at the time the manifest is delivered.

Section 4.63(a), Customs Regulations (19 CFR 4.63(a)), currently provides, in part, that no vessel shall be cleared directly for a foreign port, or for a foreign port by way of another domestic port or other domestic ports, unless there has been filed with the district director of Customs at the port from which clearance is being obtained: (1) A Cargo Declaration (Customs Form 1302), or a Cargo Declaration Outward with Commercial Forms (Customs Form 1302-A), either form with copies of bills of lading or equivalent commercial forms; or (2) an incomplete Cargo Declaration as provided for in § 4.75, Customs Regulations (19 CFR 4.75).

While existing procedures are satisfactory for many carriers, certain carriers advised Customs that they would like to use the Customs Form 1302 as an "equivalent commercial document or form" instead of submitting copies of bills of lading. It was contended that, because of the advent of computerized print-outs and the automated data processing of outward manifests, it is much easier for many of the carriers to present a completed Customs Form 1302 as an equivalent commercial document or form, than to assemble copies of bills of lading. The National Committee on International Trade Documentation, on behalf of a group of carriers, requested that a completed Customs Form 1302 be accepted as an equivalent commercial document.

Customs determined that while a Customs form (1302) is not an equivalent commercial document, a facsimile thereof might be acceptable. Accordingly, by notice published in the Federal Register on October 14, 1983 (48 FR 46810), Customs proposed to amend § 4.63 to provide, among other things, that a cargo list in a format similar to Customs Form 1302 would be acceptable as an equivalent commercial document.

Customs proposed to add a new paragraph (d) to § 4.63, which would pertain to the information submitted on Customs Form 1302-A and the bills of lading or equivalent commercial documents. Existing § 4.63 (d) and (e) would be redesignated as § 4.63 (e) and (f), respectively.

Customs also proposed to delete reference to Customs Form 1302 from § 4.63, except for the provision of proposed § 4.63(c) with respect to an equivalent commercial document, in order to simplify § 4.63, and to simplify procedures for providing necessary information to Customs. It was also proposed to delete reference to Customs

Form 1302 from §§ 4.62, 4.75 (a), (b), and (c), 4.82(a), 4.87 (b), (f), and (g), 4.88(c), and 4.89(a), Customs Regulations (19 CFR 4.62, 4.75 (a), (b), and (c), 4.82(a), 4.87 (b), (f), and (g), 4.88(c), 4.89(a)).

Pub. L. 96-275 further amended 46 U.S.C. 93 to provide that certain information shall be included on the manifest, or on the attached copies of bills of lading or equivalent commercial documents. These requirements were listed in proposed § 4.63(c).

Discussion of Comments and Decision

Twenty-three comments were received in response to the notice.

Two of the commenters favored the proposal as being practical, efficient, and a money saving practice. Another expressed general support, subject to various conditions with which it would be practically impossible to comply.

The remaining twenty comments were opposed to the proposal. They based their objections primarily on grounds that the in-house cargo lists do not have the legal attributes of a bill of lading and would not, therefore, set forth information as accurately as a bill of lading. One of them contended that a bill of lading is (1) a receipt for the cargo, (2) a contract of carriage, and (3) when it is in negotiable form, an indicia of title to the cargo. Prior to publication of the proposal, Customs had been informed that it would be in the interest of the maritime industry if a cargo list was considered equivalent to a bill of lading for the purpose for which the statute was enacted, i.e., to furnish interested parties with the six specified items of information, which can be found on the cargo list as well as on a bill of lading. There is no definition of the term "equivalent commercial documents" in the statute or in the legislative history.

Although we had been assured by the parties in favor of the proposed amendment that the information on the cargo lists would contain accurate descriptions, shortly after Customs began accepting them, at least one vessel line presented cargo lists describing the cargo, "F.A.K." (Freight All Kinds). This is not a description of merchandise but merely a statement that merchandise is being shipped. Such a listing is not in compliance with the statute.

In view of the comments against the proposal, plus Customs experience which would appear to substantiate these comments, and in view of the ambiguity of the term "equivalent commercial documents", we have decided to modify the proposal by deleting reference to cargo lists as

acceptable "equivalent commercial documents."

E.O. 12291 and Regulatory Flexibility Act

It has been determined that the amendments are not a "major rule" within the criteria provided in section 1(b) of E.O. 12291, and therefore no regulatory impact analysis is required.

Pursuant to the provisions of section 605(b) of the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 601 et seq.), it is hereby certified that the regulation set forth in this document will not have a significant economic impact on a substantial number of small entities. Accordingly, it is not subject to the regulatory analysis, or other requirements of 5 U.S.C. 603 and 604.

Drafting Information

The principal author of this document was Larry L. Burton, Regulations Control Branch, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

List of Subjects in 19 CFR Part 4

Customs duties and inspection, Imports, Cargo vessels, Reporting and recordkeeping requirements.

Amendments To the Regulations

Part 4, Customs Regulations (19 CFR Part 4), is amended in the following manner:

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

1. Section 4.63, Customs Regulations, is revised to read as follows:

§ 4.63 Outward Cargo Declaration; shippers' export declarations.

(a) No vessel shall be cleared directly for a foreign port, or for a foreign port by way of another domestic port or other domestic ports (see § 4.87(b)), unless there has been filed with the appropriate Customs officer at the port from which clearance is being sought:

(1) A Cargo Declaration Outward With Commercial Forms, Customs Form 1302-A. Copies of bills of lading or equivalent commercial documents relating to all cargo encompassed by the manifest must be attached in such manner as to constitute one document, together with a properly executed Master's Oath on Entry of Vessel in Foreign Trade, Customs Form 1300, and export declarations as are required by pertinent regulations of the Bureau of the Census, Department of Commerce; or

(2) An incomplete Cargo Declaration as provided for in § 4.75.

(b) Except as hereafter stated, the number of the export declaration covering each shipment for which an authenticated export declaration is required shall be shown on the Cargo Declaration Outward With Commercial Forms, Customs Form 1302-A, in the marginal column headed "B/L No." If an export declaration is not required for a shipment, a notation shall be made on the Cargo Declaration Outward With Commercial Forms (Customs Form 1302-A) describing the basis for the exemption with a reference to the number of the section in the Census Regulations (see 15 CFR 30.39, 30.50-30.57) where the particular exemption is provided. If shipments are exempt on the basis of value and destination, the appearance of the value and destination on a bill of lading or other commercial documents is acceptable as evidence of the exemption and reference to the applicable section in the Census Regulations is not required.

(c) The following minimal information shall be included on the Cargo Declaration Outward With Commercial Forms, Customs Form 1302-A (other information required to be on a Customs Form 1302-A as shown on the form itself must also be included thereon) or on attached copies of bills of lading or equivalent commercial documents:

- (1) Name and address of shipper;
- (2) Description of the cargo (see paragraph (d) of this section);
- (3) Number of packages and gross weight (see paragraph (d) of this section);
- (4) Name of vessel or carrier;
- (5) Port of exit (this shall be the port where the merchandise is loaded on the vessel); and
- (6) Port of destination (this shall be the foreign port of discharge of the merchandise).

(d) If the bills of lading or equivalent commercial documents attached to the Customs Form 1302-A show on their face the cargo information required by columns 6, 7, and either column 8 or 9, of the Customs Form 1302-A, that information need not be shown again on the Customs Form 1302-A. However, in that case, the cargo information must be incorporated by a suitable reference on the face of the Customs Form 1302-A such as "Cargo as per attached commercial documents."

(e) For each shipment to be exported under an entry or withdrawal for exportation or for transportation and exportation, the Cargo Declaration Outward With Commercial Forms, Customs Form 1302-A, or commercial document attached to the Cargo Declaration and made a part thereof in accordance with paragraph (a)(1) of this

section, shall clearly show for such shipment the number, date, and class of such Customs entry or withdrawal (i.e., T. & E., Wd. T. & E., I. E., Wd. Ex., or Wd. T., as applicable) and the name of the port where the merchandise is laden for exportation.

(f) Customs officers shall accept a Cargo Declaration Outward With Commercial Forms, Customs Form 1302-A, covering containerized or palletized cargo which indicates by the use of appropriate words of qualification (see 4.7a(c)(3)) that the declaration has been prepared on the basis of information furnished by the shipper.

§ 4.62 [Amended]

2. Section 4.62, Customs Regulations, is amended by removing the words "Cargo Declaration, Customs Form 1302" and inserting, in their place, the words "Cargo Declaration Outward With Commercial Forms, Customs Form 1302-A."

§§ 4.75, 4.82, 4.87, 4.88 and 4.89 [Amended]

3. Sections 4.75 (a), (b), and (c), § 4.82(a), § 4.87 (b), (f), and (g), § 4.88(c), and § 4.89(a), Customs Regulations, are amended by removing the words "Cargo Declaration, Customs Form 1302 or 1302-A" and inserting, in their place, the words "Cargo Declaration Outward With Commercial Forms, Customs Form 1302-A."

(R.S. 251, as amended, 4197, as amended, 4199, as amended, section 624, 46 Stat. 759 (19 U.S.C. 66, 1624; 46 U.S.C. 91, as amended, 93 as amended)).

William von Raab,
Commissioner of Customs.

Approved: August 17, 1984.

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

[FR Doc. 84-23840 Filed 9-7-84; 8:45 am]
BILLING CODE 4820-02-M

19 CFR Part 141

[T.D. 84-192]

Customs Regulations Amendment Relating to Identification of Merchandise Subject to Antidumping or Countervailing Duty Orders.

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: To facilitate and upgrade the compilation and retrieval of antidumping and countervailing duty collection data, this document amends the Customs Regulations relating to presentation of entry papers to require importers of merchandise subject to an

antidumping or countervailing duty order to include with the entry summary a unique identifying number assigned by the International Trade Administration of the Department of Commerce.

EFFECTIVE DATE: October 10, 1984.

FOR FURTHER INFORMATION CONTACT: Robert Bujnicki, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202-566-8121).

SUPPLEMENTARY INFORMATION:

Background

The International Trade Administration, Department of Commerce, and the Customs Service have received increasing numbers of requests for accurate data concerning the imposition of antidumping and countervailing duties. Presently, this data is collected by Customs from information provided by the importer during the entry process. Due to the fact that antidumping and countervailing duty case numbers are not always provided on entry documents, attempts to collect accurate data have been unsuccessful. To facilitate and upgrade the compilation and retrieval of antidumping and countervailing duty collection data, each antidumping and countervailing duty case or, where appropriate, each manufacturer or exporter subject to a particular antidumping or countervailing duty order, is assigned a unique identifying number by the International Trade Administration. To collect accurate data, it is essential that the importer or the importer's representative be required to provide the identifying number on the entry summary documents at the time of filing them with Customs for any merchandise subject to an antidumping or countervailing duty order.

Accordingly, by notice published in the Federal Register on November 21, 1983 (48 FR 52596), Customs proposed to amend § 141.61, Customs Regulations (19 CFR 141.61), by adding a new paragraph (c) to require importers of merchandise subject to an antidumping or countervailing duty order to include with the entry summary a unique identifying number assigned by the International Trade Administration.

Discussion of Comments

Seven comments were received in response to the notice. The commenters' concern focused primarily on two major issues, namely, when will the identifying number be required on the entry document, and how, or by what method,

will the public obtain the necessary numbers.

With regard to the first issue, as stated in the notice, it is Customs intent to require the number at the time the entry summary is filed. However, this requirement will change once Customs automated enhancements such as Automated Broker Interface (ABI) are fully implemented throughout the country. It will then be necessary to require the number at the time of a preliminary affirmative finding.

As far as the second issue is concerned, the case numbers as well as case status are readily available at the entry control section of each port via certain quarterly listings and updates. Since most ports have already set up local methods of notification, Customs does not see the need to issue any detailed procedures to the ports, nor describe them in future notices.

The commenters raised several minor issues. One questioned the need for a case number on the Customs Form 7501 if the rate is "zero." The number will be required in this instance since the Department of Commerce needs other data related to the number such as value. As far as the location of the number is concerned, it must appear in the TSUSA column of the Customs Form 7501. Customs will advise brokers who are not already making use of the number that this is the requirement.

One commenter stated that he was advised by the International Trade Administration that a current listing of cases does not exist. This is incorrect. This information is available at the Customs entry control section of each port.

After further review of the matter, Customs has determined to adopt the proposal as described in the notice. Failure to provide the identifying number at the time the entry summary is filed will result in rejection of the entry summary documents by Customs. Concerned parties will be administratively advised of the identifying number required for merchandise they are importing.

Executive Order 12291

This document will not result in a regulation which is a "major rule" as defined by section 1(b), of Executive Order 12291.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this amendment because it will not have a significant economic impact on a substantial number of small entities.

Of the approximately 42,000 entries filed under final dumping and countervailing duty orders, most importers or their representatives voluntarily provide an identifying number. Customs estimates that 8,000 to 11,000 entries will be subject to the rule's requirements. In order to provide the identifying number on the entry documents for these 8,000 to 11,000 entries, a slightly greater clerical input will be required. Customs estimates that the total dollar impact for all affected entries will require increased clerical input costing \$3,000 or less. Further, Customs expects the dollar burden to decrease as more small entities acquire small business computers to automate their operations.

In light of present data available, it is certified under the provisions of section 3, Regulatory Flexibility Act (5 U.S.C. 605(b)) that the rule, will not have a significant economic impact on a substantial number of small entities.

Drafting Information

The principal author of this document was Glen E. Vereb, 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 in 19 CFR Part 141

Customs duties and inspection, Imports.

Amendment to the Regulations

Part 141, Customs Regulations (19 CFR Part 141), is amended as set forth below.

George C. Corcoran, Jr.,

Acting Commissioner of Customs.

Approved: August 17, 1984.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

PART 141—ENTRY OF MERCHANDISE

Section 141.61 is amended by adding a new paragraph (c) to read as follows:

§ 141.61 Completion of entry and entry summary documentation.

(c) *Identification number for merchandise subject to an antidumping or countervailing duty order.* The entry summary filed for merchandise subject to an antidumping or countervailing duty order shall include the unique identifying number assigned by the Department of Commerce, International Trade Administration. Any entry summary filed for merchandise subject to an antidumping or countervailing duty order not containing the identifying number shall be rejected.

(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))

[FR Doc. 84-23841 Filed 9-7-84; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Tylosin

Correction

In FR Doc. 84-20657 appearing on page 31280 in the issue of Monday, August 6, 1984, make the following correction:

§ 558.625 [Corrected]

On page 31280, column two, in § 558.625(b)(83), on the second line, "(F)" should read "(f)".

BILLING CODE 1505-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 5h and 18

[T.D. 7976]

Certain Elections Under the Deficit Reduction Act of 1984

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document contains temporary regulations relating to the time and manner of making certain elections under the Deficit Reduction Act of 1984. These regulations provide guidance to persons making these elections.

DATES: These regulations are effective September 10, 1984. Except as provided otherwise, the regulations apply to elections made after July 18, 1984.

FOR FURTHER INFORMATION CONTACT: Gail H. Morse of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, Attention: CC:LR:T (LR-132-84), (202) 566-3297, not a toll free call.

Cynthia E. Grigsby of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, Attention: