The rights to profits and to assets, upon dissolution, described in paragraph (b)(1)(ii) are ownership rights and not creditor rights. Thus, the right to assets, upon dissolution, means after all debt obligations have been satisfied. The right to profits is calculated after payment of any royalty, franchise fee or other expense based on income. Also, as Comment 3 notes, there may be instances in which profits are shared with employees in lieu of compensation, rather than as a return on investment. These compensation distributions should not be included in calculating the right to profits under paragraph (b)(1)(ii). Where parties are in doubt as to the manner in which they should calculate percentage rights to profits or to assets, upon dissolution, they should seek the advice of the Premerger Notification Office.

As is the case with other control provisions, a person deemed to control an entity under paragraph (b)(1)(ii) has attributed to it all the assets of the controlled entity. See § 801.1(c)(8). Thus if "A" controls pursuant to paragraph (b)(1)(ii) a partnership B (because "A" is entitled to 50 percent of B's profits, or 50 percent of B's assets upon dissolution), "A" must include the value of all of B's assets in determining the total assets of "A." "A" must include all of B's assets to determine whether it meets the minimum size criteria of section 7A(a)(2) of the act, even though "A" does not have a right to the other 50 percent of B's profits or assets. Furthermore, if B is entitled to 50 percent of the profits of partnership C, "A" will be deemed to control C also and also must include all the assets of C in determining the size of "A."

Finally, Comment 3 from the ABA Section of Antitrust Law raises three additional questions about these amendments: First, it asks whether the following transaction is exempt from reporting obligations: A person that controls a partnership acquires assets from the partnership. As a general matter, the Commission agrees it would be logical to exempt such transactions if acquisition of control of the partnership were a reportable event. However, as noted above, under current staff interpretations, acquisition of control is not normally a reportable event. Consequently, the Commission is not prepared now to exempt the asset acquisition. It will consider such an exemption as it considers making the acquisition of control of a partnership a reportable event.

Second, Comment 3 asks how to resolve the apparent conflict between the amended definition of control and the definition in § 801.1(c)(5), which states that the beneficiary of a trust (regardless of the percentage of its profits to which he is entitled) does not hold the assets of the trust. It is the Commission's intention that the control amendments, although adopted more recently, do not supersede the more specific treatment of trust assets mandated by § 801.1(c).

The Section of Antitrust Law also raises concerns that rapid implementation of the amendments might disrupt transactions that are nearing completion. For these reasons the section suggests the effective date of the amendments should be delayed for 60 or even 90 days after promulgation of the amendments. The Commission believes that its 35 day period is adequate to prevent disruption and that a longer period might invite the very abuses these amendments are intended to eliminate.

List of Subjects in 16 CFR Part 801

Antitrust.

Accordingly 16 CFR Part 801 is amended as set out below.

PART 801—COVERAGE RULES

1. *Authority.* The authority for Part 801 continues to read as follows:

Authority: Sec. 7A(d) of the Clayton Act, 15 U.S.C. 18a(d), as added by sec. 201 of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, Pub. L. 94–435, 90 Stat. 1390.

2. Section 801.1 is amended by revising the introductory text of paragraph (b), paragraphs (b) (1) and (2), and by designating the existing example as example (1), and adding new examples (2) through (4), as set forth below.

§ 801.1 Definitions.

* * * * *

(b) *Control.* The term "control" (as used in the terms "control(s)," "controlling," "controlled by" and "under common control with") means:

(1) *Either.* (i) Holding 50 percent or more of the outstanding voting securities of an issuer or

(ii) In the case of an entity that has no outstanding voting securities, having the right to 50 percent or more of the profits of the entity, or having the right in the event of dissolution to 50 percent or more of the assets of the entity; or

(2) Having the contractual power presently to designate 50 percent or more of the directors of a corporation, or in the case of unincorporated entities, of individuals exercising similar functions.

Examples 1. * * *

2. A statutory limited partnership agreement provides as follows: The general partner "A" is entitled to 50 percent of the partnership profits, "B" is entitled to 40 percent of the profits and "C" is entitled to 10 percent of the profits. Upon dissolution, "B" is entitled to 75 percent of the partnership assets and "C" is entitled to 25 percent of those assets. All limited and general partners are entitled to vote on the following matters: the dissolution of the partnership, the transfer of assets not in the ordinary course of business, any change in the nature of the business, and the removal of the general partner. The interest of each partner is evidenced by an ownership certificate that is transferable under the terms of the partnership agreement and is subject to the Securities Act of 1933. For purposes of these rules, control of this partnership is determined by subparagraph (1)(ii) of this paragraph. Although partnership interests may be securities and have some voting rights attached to them, they do not entitle the owner of that interest to vote for a corporate "director" or "an individual exercising similar functions" as required by § 801.1(f)(1) below. Thus control of a partnership is not determined on the basis of either subparagraph (1)(i) or (2) of this paragraph. Consequently, "A" is deemed to control the partnership because of its right to 50 percent of the partnership's profits. "B" is also deemed to control the partnership because it is entitled to 75 percent of the partnership's assets upon dissolution.

3. "A" is a nonprofit charitable foundation that has formed a partnership joint venture with "B," a nonprofit university, to establish C, a nonprofit hospital corporation that does not issue voting securities. Pursuant to its charter all surplus revenue from the hospital in excess of expenses and necessary capital investments is to be disbursed evenly to "A" and "B." In the event of dissolution of the hospital corporation, the assets of the hospital are to be contributed to a local charitable medical facility then in need of financial assistance. Notwithstanding the hospital's designation of its disbursement funds as surplus rather than profits to maintain its charitable image, "A" and "B" would each be deemed to control C, pursuant to § 801.1(b)(1)(ii), because each is entitled to 50 percent of the excess of the hospital's revenues over expenditures.

4. "A" is entitled to 50 percent of the profits of partnership B and 50 percent of the profits of partnership C. B and C form a partnership E with "D" in which each entity has a right to one-third of the profits. When E acquires company X, "A" must report the transaction (assuming it is otherwise reportable). Pursuant to § 801.1(b)(1)(ii), E is deemed to be controlled by "A," even though "A" ultimately will receive only one-third of the profits of E. Because B and C are considered as part of "A," the rules attribute all profits to which B and C are entitled (two-thirds of the profits of E in this example) to "A."

By direction of the Commission.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 87–12256 Filed 5–28–87; 8:45 am]

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DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 4, 6, 10, 18, 19, 54, 123, 141, 143, 144, and 145

[T.D. 87-75]

Elimination of Various Customs Forms and Certain Information Collection Requirements

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

ACTION: Final rule, Treasury.

SUMMARY: This document amends the Customs Regulations by eliminating Customs forms that are obsolete and eliminating information collection requirements determined to be obsolete or unduly burdensome. The forms being eliminated are unnecessary either because the procedure being documented has been discontinued or because the information sought can be supplied on a different form with no loss of accuracy. The information collection aspects of the document were the subject of two previous **Federal Register** notices. After announcing the intention to review its regulations and reviewing the comments received in response, Customs published a list of regulations containing information collection requirements proposed for deletion. After further review, most of the information collection requirements as published in the list are being eliminated. These changes merely conform the regulations to existing law or practice. They are nonsubstantive and essentially are procedural.

EFFECTIVE DATE: June 29, 1987.

FOR FURTHER INFORMATION CONTACT: Concerning Customs forms: Skip Simpson, Paperwork Management Branch (202-566-9181); Concerning information collection requirements: Pat Barbare, Office of Inspection and Control (202-566-8157).

SUPPLEMENTARY INFORMATION:

Background

Customs Forms

As part of a continuing program to keep its regulations current, the Customs Service has determined that various Customs forms should be removed from the Customs Regulations contained in Chapter I, Title 19, Code of Federal Regulations (19 CFR Chapter I). The changes also correct certain references where old forms have been replaced with new ones.

Customs Forms Affected

1. Customs Form 5119-A, Informal Entry, is used by importers to enter low value merchandise. It is presented directly to a Customs cashier for payment of duties and taxes. Customs has revised Customs Form 7501, Entry Summary, so that it can be used for both formal, as well as informal entries. Therefore, Customs Form 7501, can replace Customs Form 5119-A, and the regulations are being amended accordingly. (See §§ 6.7, 10.71, 123.4, 143.24, 143.25, 145.12.)

2. Customs Form 7519, Combined Rewarehouse Entry and Withdrawal for Consumption and Permit, is used by a consignee of merchandise withdrawn from warehouse for transportation who wishes to pay duty and obtain possession of the merchandise immediately upon its arrival at its destination. It has been determined that due to the infrequent use of Customs Form 7519 it can be eliminated, and Customs Form 7501, Entry Summary, can be substituted in its place. (See §§ 10.81, 141.61, 144.42.)

3. Customs Form 7520, Manifest of Baggage Shipped in Bond, is used to send passenger baggage or commercial samples in bond from one Customs port to another, or in some instances from point to point in Mexico or Canada, respectively, through the U.S. It has been determined that Customs Form 7512, Transportation Entry and Manifest of Goods Subject to Customs Inspection and Permit, can be substituted for Customs Form 7520. Therefore, the regulations are being amended to remove reference to Customs Form 7520. (See §§ 6.16, 18.2, 18.13, 123.52, 123.64.)

4. Customs Form 7524, U.S.-Canada In-Transit Baggage Card, is used to facilitate the movement of baggage arriving at a port on the Canadian border for in-transit movement through the U.S. in bond and return to Canada. In response to a survey, the Customs regions that could have a use for this form noted that the form is unnecessary. The regulations are being amended to eliminate reference to Customs Form 7524, and substitute Customs Form 7512-B, United States-Canada Transit Manifest, in its place. (See §§ 123.64, 123.65.)

5. Customs Form 7529, Carrier's Certificate and Release Order, is used by an importer as evidence of the right to make entry of merchandise not released directly to the carrier. It serves as proof to Customs that the importer has paid to the carrier all shipping and related charges. However, since most commercial shipments are released directly to the carrier, Customs Form 7529 has become less important in recent years. For merchandise not released directly to the carrier, § 141.11(a), Customs Regulations (19 CFR 141.11(a)), provides alternative methods of presenting evidence of the right to make entry. Section 141.11(a) is being amended to remove reference to Customs Form 7529.

Information Collection Requirements

By notice published in the **Federal Register** on June 10, 1983 (48 FR 26831), Customs announced that it was undertaking a review of its regulations to identify those having a significant economic impact on a substantial number of small entities. The intended goal of this review was to modify Customs procedures to reduce or eliminate regulatory requirements found to be obsolete or unduly burdensome.

After considering the comments received in response to that notice, and further review of the matter, by notice published on December 26, 1985 (50 FR 52799), certain regulations containing information collection requirements were listed and comments were requested on the proposal that these requirements be deleted from the regulations.

Discussion of Comments

The only public comment received in response to the notice expressed general support for the idea of regulatory reduction, as well as specific support for a reduction in the reporting requirement in § 10.98(e), Customs Regulations (19 CFR 10.98(e)), relating to metals. However, the reporting requirement referred to is one of a few requirements that, on review, Customs has decided to retain. It has been determined that the proof of use needed to liquidate entries of copper-bearing fluxing material is supplied by the reporting requirement contained in § 10.98(e).

The other information collection requirements which had been proposed for deletion, but have been determined to still be necessary are as follows:

Sections 10.93 through 10.96 Records and declarations for receipt, transfer, and use of bonded wool and hair.

The information collection requirements contained in these sections must be retained because the temporary suspension of duties on wool and hair has ended. These products have been dutiable since July 1, 1985. Therefore, the information collection requirements must remain in the regulations.

Section 10.134 Declaration of importer of intended use of merchandise imported under actual use provisions of the Tariff Schedules of the United States (19 U.S.C. 1202).

It was determined that the requirement for this declaration should be retained because it provides a general statement of intent used to monitor compliance with the actual use provisions of the Tariff Schedules. The statement is a valuable tool in investigating cases of possible fraud involving actual use provisions.

Section 12.99 Declaration by importer or consignee in support of a permitted entry of a switchblade knife.

It was determined that removing this requirement from the regulations would give the false impression that no exceptions existed to the general prohibition against importation of switchblade knives. To avoid this confusion, the requirement is being left in the regulations.

Section 54.6 Statement of importer that articles in chief value of metal are to be used in such manner which renders them fit only for recovery of the metal content.

It was determined that this information collection requirement is still necessary because it relates to the destruction operation associated with semi-conductors being destroyed in a foreign trade zone to salvage the metal content. However, this section is being amended to cross-reference § 10.134, Customs Regulations, whereby a declaration of intended use may be made either through a specific statement or by mere entry for that purpose, provided the district director is satisfied that the merchandise will be so used.

Upon further review, it has been determined to proceed with the deletion of the following information collection requirements from the regulations:

19 CFR Section	Description
4.41(a)	Application for permission to enter wrecked cargo.
6.12(g)	Requirement to post a copy of schedule of charges for servicing aircraft at an airport.
10.6(a)	Certificate of foreign shipper that boxes or barrels were made from American shooks or staves.
10.6(b)	Certificate of box maker that boxes or barrels were made from American shooks or staves.
10.9(g), (h)	Certificate of owner, importer, consignee or agent that processed articles entered are a portion of articles exported for processing that are covered by a certificate of registration.
10.10	Statement of cameraman, shipper, or other person identifying films and stating that they were exposed abroad and are shipped for use as newsreel of current events abroad.
10.35(b)	Declaration by importer of a model of women's wearing apparel that the article will be used solely as a model, etc.
10.35(d)	Requirement to mark for identification purposes imported models of women's wearing apparel.
10.50	Declaration of American artist residing temporarily abroad in support of duty-free entry of a work of art.
10.53(a), (b)	Declaration in connection with the entry of antiques.
10.54(b)	Certificate of manager or other responsible employee of the Gobelin or other factory or producer establishing the character of the Gobelin or other hand-woven tapestry in support of duty-free entry.
10.56(f)	Declaration of owner or consignee that vegetable oil has been rendered permanently unfit for use as food.
10.58(a)	Requirement as to marking of bolting cloth for milling purposes in support of duty-free entry.
10.64a	Declaration for withdrawal of fuel from a Customs bonded warehouse to be laden as aircraft supplies.
10.66(a)(2), (b)	Declaration of foreign shipper that merchandise was exported from the U.S. for temporary use at an exhibition and is being returned.
10.70(a)	Declaration in connection with the entry of purebred animals for breeding purposes.
10.72	Declaration in connection with the entry of horses or mules imported solely for slaughter.
10.73	Certificate of ultimate consignee of cows being imported solely for dairy purposes in support of claim for reduced rate of duty.
10.74(a)	Owners descriptive list of domestic animals driven across boundary for pasturage.
10.74(b)	Declaration in connection with the return of domestic animals previously driven across boundary for pasturage.
10.79	Declaration of master of taking vessel in support of duty-free entry of products of American fisheries.
10.82(a)(1)	Certificate of person making withdrawal of salt used in curing fish taken by an American vessel.
10.82(a)(2)	Certificate of master and at least one other person employed on vessel in connection with the withdrawal of salt used for curing fish.
10.82(a)(3)	Certificate of at least two persons employed on shore in curing fish with salt.
10.82(b)	Certificate of person employed on shore curing fish with salt.
10.90(a)	Application of importer for the importation of master records and metal matrices.
10.90(b)	Statement evidencing agreement between importer and manufacturer concerning the use of master records and metal matrices.
10.90(d)	Declaration of importer as to use of master records and metal matrices.
10.106	Declaration of importer in connection with wheat unfit for human consumption.
10.108(b)	Statement in connection with entry of articles previously imported into U.S. with duty paid, exported under lease, and now being reimported.
10.110	Certificate for strategic materials acquired by the Commodity Credit Corporation as result of barter or exchange of agricultural commodities or products.
12.99	Declaration by importer or consignee in support of a permitted entry of a switchblade knife.
19.16	Various reporting requirements relating to the operation of cigar manufacturing warehouses.

Regulatory Flexibility Act

Pursuant to the provisions of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, it is certified that these amendments will not have a significant economic impact on a substantial number of small entities. Accordingly, they are not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

Executive Order 12291

Because this document will not result in a "major rule" as defined by section 1(b) of E.O. 12291, the regulatory analysis and review prescribed by the E.O. are not required.

Public Notice Requirement

Inasmuch as the amendments concerning Customs forms merely change the form used to comply with preexisting regulations, and no new regulatory burdens are imposed on the public, pursuant to 5 U.S.C. 553(b)(B), notice and public procedure thereon are unnecessary.

Drafting Information

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

List of Subjects

In General

Customs duties and inspection, Imports, Exports.

19 CFR Part 4

Cargo vessels, Reporting and recordkeeping requirements, Vessels.

19 CFR Part 6

Air carriers, Aircraft, Airports.

19 CFR Part 10

Art, Exports, Fisheries, Oil imports, Packaging and containers, Petroleum, Tobacco, Wildlife.

19 CFR Part 18

Common carriers.

19 CFR Part 19

Tobacco.

19 CFR Part 54

Metals.

19 CFR Part 123

Canada, Reporting and recordkeeping requirements, Mexico.

19 CFR Part 141

Imports.

19 CFR Part 143

Imports.

19 CFR Part 144

Warehouses.

19 CFR Part 145

Postal Service.

Amendments to the Regulations

Parts 4, 6, 10, 18, 19, 54, 123, 141, 143, 144 and 145, Customs Regulations (19 CFR Parts 4, 6, 10, 18, 19, 54, 123, 141, 143, 144, and 145) are amended as set forth below.

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

1. The authority citation for Part 4 continues to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1624; 46 U.S.C. 3 and 2103.

§ 4.41 [Amended]

2. Section 4.41(a) is amended by removing the words "written application for permission to enter the wrecked cargo", and inserting, in their place, "entry on Customs Form 7501".

PART 6—AIR COMMERCE REGULATIONS

1. The authority citation for Part 6 continues to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1202 (Gen. Hdnote. 11), 1624; 49 U.S.C. 1474, 1509.

§ 6.7 [Amended]

2. Section 6.7(b)(3)(ii) is amended by removing the number "5119–A" and inserting, in its place, "7501".

§ 6.12 [Amended]

3. Section 6.12(g) is amended by removing the last sentence.

§ 6.16 [Amended]

4. Section 6.16 is amended by removing the words, "or Customs Form 7520".

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

1. The authority citation for Part 10 continues to read as follows:

Authority: 19 U.S.C. 66, 1202, 1481, 1484, 1498, 1623, 1624.

2. The heading and text of § 10.6 are revised to read as follows:

§ 10.6 Shooks and staves; claim for duty exemption.

An importer, seeking an exemption from duty on account of boxes or barrels made from American shooks or staves, must make such a claim on Customs Form 3311 at the time of filing the entry. Upon receipt, from the district director at the port of exportation of the shooks and staves, of corroboration that the records of exportation do not conflict materially with such a claim, the exemption may be allowed. If the claim for an exemption is disallowed in full or in part, the importer may file a request within 15 days of the date of the district director's notice to him of any disallowance, for referral of the question to the Commissioner of Customs for review.

§ 10.9 [Amended]

3. Section 10.9 is amended by removing paragraph (g) and (h) and redesignating paragraphs (i), (j), (k), and (l) as (g), (h), (i), and (j), respectively.

§ 10.10 [Removed and reserved]

4. Part 10 is amended by removing § 10.10 and marking it "Reserved". Part 10 is further amended by removing footnote 8 to § 10.10.

§ 10.35 [Amended]

5. Section 10.35 is amended by removing paragraphs (b) and (d), and redesignating paragraph (c) as (b).

§ 10.50 [Removed and reserved]

6. Part 10 is amended by removing § 10.50 and marking it "Reserved". Part 10 is further amended by removing footnote 45 to § 10.50.

§ 10.53 [Amended]

7. Section 10.53 is amended by removing paragraphs (a) and (b) and redesignating paragraphs (c), (d), (e), (f), (g), (h), and (i) as (a), (b), (c), (d), (e), (f), and (g), respectively. Part 10 is further amended by removing footnotes 48 and 50 to § 10.53.

8. In redesignated §§ 10.53 (b) and (c), the phrase, "paragraph (g)" is removed and, "paragraph (e)" is inserted, in its place.

9. In redesignated § 10.53(e)(6), the phrase, "paragraphs (a), (b) and (c)" is removed and, "paragraph (a)" is inserted, in its place.

§ 10.54 [Amended]

10. Section 10.54 is amended by removing the "(a)" in front of the first paragraph and by removing paragraph (b).

Part 10 is further amended by removing footnote 51 to § 10.54.

§ 10.56 [Amended]

11. Section 10.56(f) is amended by placing a period after the word "denatured" and removing the remainder of the paragraph, including the form.

12. Section 10.58(a) is revised to read as follows and footnote 55 is removed.

§ 10.58 Bolting cloths; marking.

(a) As a prerequisite to the free entry of bolting cloth for milling purposes under item 357.25, Tariff Schedules of the United States, the cloth shall be indelibly marked from selvage to selvage at intervals of not more then 4 inches with "bolting cloth expressly for milling purposes" in block letters 3 inches in height. Bolting cloths composed of silk imported expressly for milling purposes shall be considered only such cloths as are suitable for and are used in the act or process of grading, screening, bolting, separating, classifying, or sifting dry materials, or dry materials mixed with water, if the water is merely a carrying medium.

* * * * *

§ 10.64a [Removed and reserved]

13. Part 10 is amended by removing § 10.64a and making it "Reserved".

§ 10.66 [Amended]

14. Section 10.66 is amended by removing paragraph (a)(2) and by redesignating paragraphs (a)(3) and (a)(4) as (a)(2) and (a)(3), respectively. Part 10 is further amended by removing footnotes 61 and 62 to § 10.66.

15. Section 10.66(b) is amended by removing the last sentence.

§ 10.70 [Amended]

16. Section 10.70 is amended by removing paragraph (a), removing footnotes 64 and 65, and by redesignating paragraph (b) as (a) and revising the section heading and first sentence of redesignated paragraph (a) to read as follows:

§ 10.70 Purebred animals for breeding purposes; certificate.

(a) In connection with the entry of purebred animals for breeding purposes under item 100.01, Tariff Schedules of the United States, no claim for free entry shall be allowed in liquidation of the entry until the district director has received from the Department of Agriculture a certificate that the animal is purebred of a recognized breed and duly registered in a book of record recognized by the Secretary of Agriculture for that breed. * * *

* * * * *

17. Section 10.70 is further amended by redesignating paragraph (c) as (b).

§ 10.71 [Amended]

18. Section 10.71(f) is amended by removing the phrase, "informal entry (Customs Form 5119–A)", and inserting,

in its place, "entry summary (Customs Form 7501)".

§ 10.72 [Removed and reserved]

19. Part 10 is amended by removing § 10.72 and marking it "Reserved." Part 10 is further amended by removing footnote 66 to § 10.72.

§ 10.73 [Removed and reserved]

20. Part 10 is amended by removing § 10.73 and marking it "Reserved." Part 10 is further amended by removing footnote 67 to § 10.73.

21. The heading and text of § 10.74 are revised to read as follows and footnote 68 is removed:

§ 10.74 Animals straying across boundary for pasturage; offspring.

When domestic animals for which free entry is to be claimed under item 100.03, Tariff Schedules of the United States, have strayed across the boundary line, they may be returned, together with their offspring, without entry if brought back within 30 days; otherwise entry shall be required. The owner of any such animal shall report its return to the nearest Customs office and hold it for such inspection and treatment as may be deemed necessary by a representative of the Amimal and Plant Health Inspection Service of the Department of Agriculture. Any such arrival found not to have been so reported or held shall be subject to seizure and forfeiture pursuant to 18 U.S.C. 545.

* * * * *

22. Section 10.78(a) is revised to read as follows:

§ 10.78 Entry.

(a) No entry shall be required for fish or other marine products taken on the high seas by vessels of the U.S. or by residents of the U.S. in undocumented vessels owned in the U.S. when such fish or other products are brought into port by the taking vessel or are transferred at sea to another fishing vessel of the same fleet and brought into port.

* * * * *

§ 10.79 [Removed and reserved]

23. Part 10 is amended by removing § 10.79 and marking it "Reserved."

§ 10.81 [Amended]

24. Section 10.81(b) is amended by removing the number "7519" and inserting, in its place, "7501".

§ 10.82 [Removed and reserved]

25. Part 10 is amended by removing § 10.82 and marking it "Reserved".

26. Section 10.83(a) is revised to read as follows:

§ 10.83 Bond; cancellation; extension.

(a) If it shall appear to the satisfaction of the district director holding the bond referred to in § 10.80, that the entire quantity of salt covered by the bond has been duly accounted for, either by having been used in curing fish or by the payment of duty, the district director may cancel the charges against the bond. The district director may require additional evidence in corroboration of the proof of use produced.

* * * * *

§ 10.90 [Amended]

27. Section 10.90 is amended by removing paragraphs (a), (b), and (d), as well as footnote 81 to paragraph (a), and by redesignating paragraphs (c), (e), (f), and (g), as (a), (b), (c), and (d), respectively.

28. Redesignated § 10.90(d) is amended by removing the phrase, "If and when the application is approved," and changing the word "entries" to "Entries."

§ 10.98 [Amended]

29. Section 10.98(e) is amended by removing the words, "Perth Amboy, N.J.," and inserting, in their place, "the port or ports where the entries are to be liquidated."

§ 10.101 [Amended]

30. Section 10.101 is amended in the following manner:

(a) In paragraph (b), the third sentence, the word "blanket" is removed.

(b) In the heading to paragraph (c), the word "Blanket" is removed, and "carrier's" is changed to "Carrier's".

(c) Paragraph (c) is further amended by removing the last sentence.

§ 10.106 [Removed and reserved]

31. Part 10 is amended by removing § 10.106 and the note immediately following and marking it "Reserved."

§ 10.108 [Amended]

32. Section 10.108 is amended by removing the "(a)" in front of paragraph (a), and by removing paragraph (b). Part 10 is further amended by removing footnote 100 to § 10.108.

§ 10.110 [Removed and reserved]

33. Part 10 is amended by removing § 10.110 and marking it "Reserved." Part 10 is further amended by removing footnote 103 to § 10.110.

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

1. The authority citation for Part 18 continues to read as follows:

Authority: 5. U.S.C. 301; 19 U.S.C. 66, 1202 (Gen. Hdnote. 11), 1551, 1552, 1553, 1624.

Section 18.13 also issued under 19 U.S.C. 1498(a).

§ 18.2 [Amended]

2. Section 18.2(a)(2)(ii) is amended by removing the words, "or 7520,".

3. Section 18.2(c)(1) is amended by removing from the first sentence, the words "either" and "or 7520".

§ 18.13 [Amended]

4. Section 18.13(b) is revised to read as follows:

§ 18.13 Procedure; manifest

* * * * *

(b) A Customs manifest for baggage shipped in bond, Customs Form 7512, shall be prepared in triplicate for each shipment. The related Customs Form 7512–C (destination) shall be delivered to the carrier to accompany the baggage and shall be delivered by the carrier to the district director at the port of destination as a notice of arrival.

* * * * *

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

1. The authority citation for Part 19 continues to read as follows:

Authority: 5 U.S.C. 301, 19 U.S.C. 66, 1624.

§ 19.16 [Removed and Reserved]

2. Part 19 is amended by removing § 19.16 and marking it "Reserved."

PART 54—CERTAIN IMPORTATIONS TEMPORARILY FREE OF DUTY

1. The authority citation for Part 54 continues to read as follows:

Authority: 19 U.S.C. 66, 1202 (Gen. Hdnote. 11, Tariff Schedules of the United States), 1624.

§ 54.5 [Amended]

2. § 54.5(a) is amended by removing the numbers "911.11 and 911.12" and inserting, in their place, "870.50, 870.55 and 870.60".

3. Section 54.6(a) is revised to read as follows:

§ 54.6 Proof of intent; bond; proof of use; liquidation.

(a) There shall be filed in connection with the entry [1] a statement of the importer consistent with the requirements of § 10.134 of this chapter.

* * * * *

4. In footnote 1 to § 54.6(a) and in § 54.6(d), the numbers "911.11 or 911.12" are removed, and the numbers "870.50,

870.55 or 870.60" are inserted, in their place.

PART 123—CUSTOMS RELATIONS WITH CANADA AND MEXICO

1. The authority citation for Part 123 continues to read as follows:

Authority: 19 U.S.C. 66, 1202 (Gen. Hdnote. 11), 1624.

Section 123.4 also issued under 19 U.S.C. 1484, 1498.

Section 123.51 also issued under 19 U.S.C. 1554.

Sections 123.52, 123.64 also issued under 19 U.S.C. 1553.

§ 123.4 [Amended]

2. Section 123.4(b) is amended by removing the number "5119–A" and, inserting, in its place, "7501".

§ 123.52 [Amended]

3. Section 123.52 is amended by removing the number "7520" from paragraphs (e) and (f), and inserting, in both those places, "7512".

§ 123.64 [Amended]

4. Section 123.64 is amended by removing the number "7520" from paragraphs (b) and (c), and inserting, in all three places "7512".

§ 123.64, 123.65 [Amended]

5. Sections 123.64(d)(2) and 123.65(b)(2) are amended by removing the words, "7524, Canada A–21" and inserting, in both places, "7512–B (Canada 8½) or Customs Form 7533–C (Canada A4–½)".

PART 141—ENTRY OF MERCHANDISE

1. The authority citation for Part 141 continues to read as follows:

Authority: 19 U.S.C. 66, 1448, 1484, 1624.

§ 141.11 [Amended]

2. Section 141.11(a)(4) is amended by removing the words, "on Customs Form 7529,". The section is further amended by removing subparagraph (5) and marking it "Reserved."

§ 141.61 [Amended]

3. Section 141.61(a)(2) is amended by placing a comma after "7505", removing the words, "or 7519," and inserting in their place the words, "or entry summary, Customs Form 7501,". The section is further amended by removing from paragraph (e)(1)(i)(A) the words, "the rewarehouse entry, Customs Form 7519;".

4. Sections 141.61(f)(1)(iv) and 141.61(f)(2)(i) are amended by removing the words "and 7519" and replacing the comma which appears after "7506", in both places, with a period.

§ 141.68 [Amended]

5. Section 141.68(h) is amended in the following manner:

(a) In the first sentence, the words, "or informal "entry" are added immediately after the words, "appraisement entry," and the words "an informal entry, Customs Form 5119–A" are removed.

(b) In the second and third sentences, the words "5119–A or" are removed.

§ 141.111 [Amended]

6. Section 141.111 is amended in the following manner:

(a) In paragraph (b), subparagraph (1) is removed and marked "Reserved."

(b) Paragraph (c) is removed and marked "Reserved."

PART 143—CONSUMPTION, APPRAISEMENT, AND INFORMAL ENTRIES

1. The authority citation for Part 143 continues to read as follows:

Authority: 19 U.S.C. 66, 1481, 1484, 1498, 1624.

§ 143.23 [Amended]

2. In § 143.23, the introductory text is amended by removing the number "5119–A" and inserting, in its place, "7501".

§ 143.24 [Amended]

3. Section 143.24 is amended in the following manner:

(a) In the section heading, a period is placed after "7501" and the phrase, "and Customs Form 5119–A" is removed.

(b) In the second sentence of the section, "5119–A" is removed and "7501" is inserted, in its place.

§ 143.25 [Amended]

4. Section 143.25 is amended by removing the phrase, "Customs Form 5119–A or, where used,".

PART 144—WAREHOUSE AND REWAREHOUSE ENTRIES AND WITHDRAWALS

1. The authority citation for Part 144 continues to read as follows:

Authority: 5 U.S.C. 301; 7 U.S.C. 1854; 19 U.S.C. 66, 1311, 1312, 1484, 1552, 1553, 1555, 1556, 1557, 1559, 1562, 1563, 1623, 1624, 1646(a); 26 U.S.C. 5214.

§ 144.42 [Amended]

2. Section 144.42(b)(1) is amended by removing the phrase, "7519 (Combined Rewarehouse Entry and Withdrawal for Consumption, and Permit)" and replacing it with "7501 (Consumption Entry)".

3. Sections 144.42(b)(2) and (3) are amended by removing the number "7519" and inserting, in both places, "7501".

PART 145—MAIL IMPORTATIONS

1. The authority citation for Part 145 continues to read as follows:

Authority: 19 U.S.C. 66, 1202 (Gen. Hdnote 11, Tariff Schedules of the United States), 1624.

Section 145.4 also issued under 18 U.S.C. 545; 19 U.S.C. 1618.

Section 145.12 also issued under 19 U.S.C. 1315, 1484, 1498.

§ 145.4 [Amended]

2. Section 145.4(c) is amended by removing "5119–A" and inserting, in its place, "7501".

§ 145.12 [Amended]

3. Section 145.12 is amended in the following manner:

(a) In paragraph (b)(1), the words "informal entry (Customs Form 5119–A)" are removed and replaced with, "entry summary (Customs Form 7501)".

(b) In paragraph (c), the number "5119–A" is removed and replaced with, "7501".

(c) In paragraph (e)(1), the words "informal entry, Customs Form 5119–A" are removed and replaced with, "entry summary, Customs Form 7501,".

Michael H. Lane,

Acting Commissioner of Customs.

Approved April 29, 1987.

Francis A. Keating, II,

Assistant Secretary of the Treasury.

[FR Doc. 87–12255 Filed 5–28–87; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 177

[Docket No. 87F–0014]

Indirect Food Additives: Polymers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to lower the inherent viscosity specification for poly(tetramethylene terephthalate) copolymers. This action responds to a petition filed by General Electric Co., Plastics Group.

DATES: Effective May 29, 1987; objections by June 29, 1987.

ADDRESS: Written objections to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Vir Anand, Center for Food Safety and Applied Nutrition (HFF–335), Food and Drug Administration, 200 C Street SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of March 16, 1987 (52 FR 8112), FDA announced that a petition (FAP 7B3983) had been filed by General Electric Co., Plastics Group, Pittsfield, MA 01201, proposing that § 177.1660 *Poly(tetramethylene terephthalate)* (21 CFR 177.1660) be amended in paragraph (c)(1) to lower the inherent viscosity specification from 0.8 to 0.6.

FDA has evaluated data in the petition and other relevant material. The agency concludes that the proposed lowering of the inherent viscosity of poly(tetramethylene terephthalate) copolymers, which represents a lower molecular weight of the polymer, is safe, and that § 177.1660(c)(1) should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition (address above) by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has determined under 21 CFR 25.24(a)(9) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Any person who will be adversely affected by this regulation may at any time on or before June 29, 1987, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 177

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director of the Center for Food Safety and Applied Nutrition, Part 177 is amended as follows:

PART 177—INDIRECT FOOD ADDITIVES: POLYMERS

1. The authority citation for 21 CFR Part 177 continues to read as follows:

Authority: Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348); 21 CFR 5.10 and 5.61.

§ 177.1660 [Amended]

2. Section 177.1660 *Poly(tetramethylene terephthalate)* is amended in paragraph (c)(1) by revising "0.8" to read "0.6".

Dated: May 18, 1987.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 87–12228 Filed 5–28–87; 8:45 am]

BILLING CODE 4160–01–M

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21 CFR Part 178

[Docket No. 86F–0458]

Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to add two polymers to the list of substances in which *N,N'*-hexamethylenebis(3,5-di-*tert*-butyl-4-hydroxyhydrocinnamamide) may be safely used as an antioxidant. This action responds to a petition filed by Ciba-Geigy Corp.

DATES: Effective May 29, 1987; objections by June 29, 1987.

ADDRESS: Written objections to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Mary W. Lipien, Center for Food Safety and Applied Nutrition (HFF–335), Food and Drug Administration, 200 C Street SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of December 23, 1986 (51 FR 45954), FDA announced that a petition (FAP 7B3969) had been filed by Ciba-Geigy Corp., Three Skyline Dr., Hawthorne, NY 10532, proposing that § 178.2010 (21 CFR 178.2010) be amended to provide for additional uses of *N,N'*-hexamethylenebis(3,5-di-*tert*-butyl-4-hydroxyhydrocinnamamide) as an antioxidant for polymers intended for use in contact with food.

FDA has evaluated data in the petition and other relevant material. The agency concludes that the proposed food additive uses are safe, and that 21 CFR 178.2110(b) should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition (address above) by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has previously considered the environmental effects of this rule as announced in the Notice of Filing for FAP 7B3969 (December 23, 1986; 51 FR 45954). No new information or comments have been received that would affect the agency's previous determination that there is no significant impact on the human environment and that an environmental impact statement is not required.

Any person who will be adversely affected by this regulation may at any time on or before June 29, 1987, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing