extending from the 5-mile radius to 8.5 miles northeast of the airport.

Issued in Des Plaines, Illinois on September 19, 1990.

Teddy W. Burcham,

Manager, Air Traffic Division.

[FR Doc. 90-23217 Filed 10-1-90; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 305

RIN 3084-AA26

Rules for Using Energy Cost and Consumption Information Used in Labeling and Advertising of Consumer Appliances; Ranges of Comparability for Refrigerators, Refrigerator-Freezers, and Freezers

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: The Federal Trade Commission amends its Appliance Labeling Rule by revising the ranges of comparability used on required labels for refrigerators, refrigerator-freezers, and freezers.

Under the rule, each required label on a covered appliance must show a range, or scale, indicating the range of energy costs or efficiencies for all models of a size or capacity comparable to the labeled model. This notice publishes the new range figures, which, under §§ 305.10, 305.11 and 305.14 of the rule, must be used on labels on refrigerators, refrigerator-freezers, and freezers manufactured on and after December 31, 1990 and in advertising of refrigerators, refrigerator-freezers, and freezers in catalogs printed after December 31, 1990. Properly labeled refrigerators, refrigerator-freezers, and freezers manufactured prior to the effective date need not be relabeled. Catalogs printed prior to the effective date in accordance with 16 CFR § 305.14 need not be revised.

EFFECTIVE DATE: December 31, 1990.

FOR FURTHER INFORMATION CONTACT: James Mills, Attorney, 202-326-3035, Division of Enforcement, Federal Trade Commission, Washington, DC 20580.

SUPPLEMENTARY INFORMATION: On November 19, 1979, the Commission issued a final rule,[1] pursuant to Section 324 of the Energy Policy and Conservation Act of 1975,[2] covering certain appliance categories, including refrigerators, refrigerator-freezers, and freezers. The rule requires that energy costs and related information be disclosed on labels and in retail sales catalogs for all refrigerators, refrigerator-freezers and freezers presently manufactured. Certain point-of-sale promotional materials must disclose the availability of energy usage information. If a refrigerator, refrigerator-freezer or freezer is advertised in a catalog from which it may be purchased by cash, charge account or credit terms, then the range of estimated annual energy costs for the product must be included on each page of the catalog that lists the product. The required disclosures and all claims concerning energy consumption made in writing or in broadcast advertisements must be based on the results of test procedures developed by the Department of Energy, which are referenced in the rule.

Section 305.8(b) of the rule requires manufacturers, after filing an initial report, to report annually by specified dates for each product type.[3] Because the costs for the various types of energy change yearly, and because manufacturers regularly add new models to their lines, improve existing models and drop others, the data base from which the ranges of comparability are calculated is constantly changing.

To keep the required information in line with these changes, the Commission is empowered, under § 305.10 of the rule, to publish new ranges (but not more often than annually) if an analysis of the new data indicates that the upper or lower limits of the ranges have changed by more than 15%.

The new figures for the estimated annual costs of operation for refrigerators, refrigerator-freezers, and freezers, which were calculated using the 1990 representative average energy cost for electricity (7.88 cents per kilowatt-hour) published by DOE on March 12, 1990,[4] have been submitted and have been analyzed by the Commission. New ranges based upon them are herewith published.

In consideration of the foregoing, the Commission amends Appendices A-1, A-2 and B of its Appliance Labeling Rule by publishing the following ranges of comparability for use in the labeling and advertising of refrigerators, refrigerator-freezers, and freezers beginning December 31, 1990.

[1] 44 FR 66466, 16 CFR part 305.

[2] Pub. L. 94-163, 89 Stat. 871 (Dec. 22, 1975).

[3] Reports for refrigerators, refrigerator-freezers and freezers are due by August 1.

[4] 55 FR 9184. The Commission published these figures on April 10, 1990, at 55 FR 13264.

List of Subjects in 16 CFR Part 305

Advertising, Energy conservation, Household appliances, Labeling, Reporting and recordkeeping requirements.

Accordingly, 16 CFR part 305 is amended as follows:

PART 305—[AMENDED]

1. The authority citation for part 305 continues to read as follows:

Authority: Sec. 324 of the Energy Policy and Conservation Act (Pub. L. 94-163) (1975), as amended by the National Energy Conservation Policy Act, (Pub. L. 95-619) (1978), the National Appliance Energy Conservation Act, (Pub. L. 100-12) (1987), and the National Appliance Energy Conservation Amendments of 1988, (Pub. L. 100-357) (1988), 42 U.S.C. 6294; sec. 553 of the Administrative Procedure Act, 5 U.S.C. 553.

2. In Appendices A1, A2 and B, Paragraph 1 of each and the introductory text in Paragraph 2 of each are revised to read as follows:

Appendices

* * * * *

Appendix A1 to Part 305—Refrigerators

1. Range Information:

Manufacturer's rated total refrigerated volume in cubic feet	Ranges of estimated yearly energy costs	
	Low	High
Less than 2.5	$21	$29
2.5 to 4.4	25	34
4.5 to 6.4	22	49
6.5 to 8.4	(1)	(1)
8.5 to 10.4	33	39
10.5 to 12.4	39	53
12.5 to 14.4	39	44
14.5 to 16.4	55	56
16.5 and over	64	64

[1] No data submitted.

2. Yearly Cost Information: Estimates on the scale are based on a national average electric rate of 7.88¢ per kilowatt hour.

* * * * *

Appendix A2 to Part 305—Refrigerator-Freezers

1. Range Information:

Manufacturer's rated total refrigerated volume in cubic feet	Ranges of estimated yearly energy costs	
	Low	High
Less than 10.5	$36	$57
10.5 to 12.4	52	75
12.5 to 14.4	55	88
14.5 to 16.4	58	89
16.5 to 18.4	60	88
18.5 to 20.4	66	116
20.5 to 22.4	77	114
22.5 to 24.4	82	126
24.5 to 26.4	82	123

Manufacturer's rated total refrigerated volume in cubic feet	Ranges of estimated yearly energy costs	
	Low	High
26.5 to 28.4	98	133
28.5 and over	(1)	(1)

[1] No data submitted.

2. Yearly Cost Information: Estimates on the scale are based on a national average electric rate of 7.88¢ per kilowatt hour.

* * * * *

Appendix B to Part 305—Freezers

1. Range Information:

Manufacturer's rated total refrigerated volume in cubic feet	Ranges of estimated yearly energy costs	
	Low	High
Less than 5.5	$23	$51
5.5 to 7.4	26	43
7.5 to 9.4	30	33
9.5 to 11.4	28	56
11.5 to 13.4	30	81
13.5 to 15.4	36	86
15.5 to 17.4	34	74
17.5 to 19.4	48	88
19.5 to 21.4	40	95
21.5 to 23.4	46	88
23.5 to 25.4	103	103
25.5 to 27.4	51	62
27.5 to 29.4	100	100
29.5 and over	127	212

2. Yearly Cost Information: Estimates on the scale are based on a national average electric rate of 7.88¢ per kilowatt hour.

* * * * *

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 90-23288 Filed 10-1-90; 8:45 am]

BILLING CODE 6750-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 239

[Release No. 33-6874; S7-23-88]

Amendment to Form 144

AGENCY: Securities and Exchange Commission.

ACTION: Final rule; form revision.

SUMMARY: The Commission is today amending Form 144. The amendment will conform the text of the notice to the recently amended terms of rule 144 and remove a requirement to provide unnecessary information.

EFFECTIVE DATE: October 2, 1990.

FOR FURTHER INFORMATION CONTACT: Michael Hyatte, Special Counsel, (202) 272-2573, Division of Corporation Finance, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549.

SUPPLEMENTARY INFORMATION: On April 19, 1990, the Commission adopted amendments to rule 144[1] under the Securities Act of 1933.[2] The amendments, which became effective with publication in the Federal Register,[3] included the rescission of former rule 144(d)(3) and the redesignation of the remaining subparagraphs of paragraph (d). Under the rescinded provision of the rule, the holding period on restricted securities was suspended during any period the holder of such securities held a short position, put or other option to sell on securities of the same class.

One consequence of the Commission's action was to render obsolete Instruction 2 to Table I on Form 144, the notice of proposed sales required by rule 144(h). Because the rescission of rule 144(d)(3) has made short sales, puts and other options sell irrelevant to the calculation of holding periods under the rule, the Commission is today publishing an amendment to Form 144 that deletes the instruction requiring the unnecessary disclosure.

List of Subjects in 17 CFR part 239

Securities, Reporting and recordkeeping requirements.

Text of Amendments

Title 17, chapter II, part 239 of the Code of Federal Regulations is amended as follows:

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

1. The authority citation for Part 239 continues to read in part as follows:

Authority: The Securities Act of 1933, 15 U.S.C. 77a, *et seq.* * * *

§ 239.144 [Amended]

2. Amending Form 144 (17 CFR 239.144) by removing instruction 2 to Table I and removing the designation "1." from the remaining instruction.

Note: Form 144 does not appear in the Code of Federal Regulations.

By the Commission.

Dated: September 24, 1990.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 90-23269 Filed 10-1-90; 8:45 am]

BILLING CODE 8010-01-M

[1] 17 CFR 230.144.

[2] 15 U.S.C. 77a *et seq.*

[3] Securities Act Release No. 6862, 55 FR 17933 (April 30, 1990).

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR chapter I

[T.D. 90-78]

RIN 1515-AA61

Customs Regulations Amendments To Conform With the Harmonized System of Tariff Classification

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

ACTION: Final rule.

SUMMARY: On December 21, 1988, T.D. 89-1 was published in the Federal Register (53 FR 51244) to set forth interim amendments to the Customs Regulations conforming those regulations to the Harmonized Tariff Schedule of the United States (HTSUS). The HTSUS and the interim regulations went into effect on January 1, 1989. This document adopts those interim regulations as final rules, with some changes both in response to comments received during the public comments period and in order to correct errors in the published interim regulations.

EFFECTIVE DATES: November 1, 1990.

FOR FURTHER INFORMATION CONTACT: John G. Black, Commercial Rulings Division (202-566-8181).

SUPPLEMENTARY INFORMATION:

Background

On July 1, 1983, the International Convention on the Harmonized Commodity Description and Coding system was opened for signature. The Harmonized Commodity Description and Coding System (Harmonized System, or HS), set forth as an Annex to that Convention, is a multipurpose product nomenclature developed over a 10-year period under the auspices of the Customs Co-operation Council in Brussels, Belgium. It is intended to be used to describe and classify goods in international trade for customs (including tariff), trade statistics, and transport documentation purposes. The anticipated use of the HS on a worldwide basis was expected to increase uniformity and predictability of trade data and to promote standardization of trade and transport documentation. The U.S. and its major trading partners were directly and continually involved in the development of the HS. The Convention with its Annex was implemented for international use on January 1, 1988.

In anticipation of possible adoption of the HS by the U.S., the President in

August 1981 requested that the U.S. International Trade Commission initiate an investigation for the purpose of preparing a conversion of the Tariff Schedules of the United States (TSUS), the then-existing reference source for determining the classification of imported merchandise, into the structure of the HS. The resulting conversion followed the HS texts but also provided product descriptions and numerical coding beyond the 6-digits of the international system in order to take into account U.S. tariff and statistical requirements. Thus, each tariff (duty rate) provision was coded in 8-digits and each statistical reporting number in 10-digits. This conversion, submitted to the president on June 30, 1983, was reviewed and revised by the Trade Policy Staff Committee, Office of the U.S. Trade representative, and was republished as TPSC 84–78 on September 30, 1984. A further, more comprehensive, revision published in October 1986 was the basis for GATT Ariticle XXVIII negotiations between the U.S. and its major trading partners looking toward U.S. adoption of the HS.

Following the conclusion of the GATT negotiations, a final conversion entitled the harmonized Tariff Schedule of the United States (HTSUS) was prepared and submitted to Congress with proposed legislation to approve U.S. accession to the HS Convention and to implement the HTSUS as the new U.S. tariff schedule. This purposed legislation was enacted as part of the Omnibus Trade and Competitiveness Act of 1988, Public Law 100-418, August 23, 1988. Section 1203 of the Act approved U.S. accession to the HS Convention, section 1204 enacted the HTSUS as a replacement for the TSUS, and section 1217(b) provided that section 1204 would take effect on January 1, 1989. On October 31, 1988, the U.S. deposited its instruments of accession to the HS Convention, thereby becoming a Contracting Party thereto.

On December 21, 1988, Customs published T.D. 89–1, 53 FR 51244, setting forth interim amendments to the Customs Regulations (19 CFR chapter I) to conform those regulations to the HS and in particular to reflect the structure, language, and numbering of the HS-based HTSUS; the amendments involved principally the replacement of TSUS numerical and organizational references with the new corresponding HTSUS references, the amendment of regulatory texts to reflect HTSUS terminology which differed from that of the TSUS, and, for purposes of style, the elimination of many footnotes. Although the interim amendments took effect on January 1, 1989, in order to coincide with the implementation of the HTSUS, the notice solicited public comments on those amendments and, after an extension of time published on March 7, 1989, 54 FR 9429, the public comment period closed on March 21, 1989. On February 15, 1989, Customs published T.D. 89–26, 54 FR 6881, to clarify and correct certain authority citations set forth in T.D. 89–1.

After the interim regulations went into effect, guidelines were drafted by the National Import Specialist Division of Customs to assist the trade and Customs field personnel in the uniform application of criteria for accurate and complete invoices for various specific HTSUS provisions, with particular reference to the requirements of 19 CFR 141.89(a) which was amended by T.D. 89–1. After reviewing the comments received in response to the interim regulations and the draft guidelines on invoice requirements, Customs determined that it would be beneficial to obtain further information from the importing community relating to the invoice requirements under 19 CFR 141.89(a) and the draft guidelines. Accordingly, on November 14, 1989, Customs published a notice at 54 FR 47348 which (1) announced a series of public meetings to be held in New York from November 27 to December 8, 1989, to discuss invoice requirements with the importing community and (2) reopened the comment period of the interim regulations solely regarding the invoice requirements, with comments to be submitted on or before February 7, 1990.

Discussion of Comments and Final Action

A total of fourteen comments were received from the public in response to T.D. 89–1, all but three of which concerned either invoice requirements or issues outside the scope of the interim regulations. In addition, in excess of sixty comments were subsequently received from the public either with reference to the draft guidelines on invoice requirements or in response to the November 14, 1989, notice which reopened the comment period for invoice requirement purposes.

In view of the large number of complex issues raised in the numerous comments received on invoice requirements, and in consideration of the significant impact which invoice requirements have on the trade community, Customs has determined that further study is necessary before those invoice issues can be properly resolved. At the same time, there are other issues raised in the public comments or disclosed during Customs internal review which clearly warrant changes to the interim regulatory texts or to other provisions in 19 CFR chapter I which were not reflected in T.D. 89–1 or T.D. 89–26. Accordingly, in order to not delay implementation of those other changes pending resolution of the invoice issues, Customs has determined that (1) the interim regulations should be adopted as a final rule which should also reflect technical or editorial changes to the interim texts and to other regulatory provisions based on the public comments and Customs internal review, and (2) all issues regarding invoice requirements should be dealt with as appropriate in a separate document at a later date. The public comments received on non-invoicing issues, and the final changes to the regulations based on those comments or on Customs own review, are discussed below.

Part 7

The authority citation for part 7 is being revised to reflect the proper HTSUS General Note cite which was not corrected in T.D. 89–26.

Part 10

The following changes are being made to part 10 to correct errors in T.D. 89–1 or, in one instance, to insert a T.D. 89–1 change which is not reflected in current 19 CFR chapter I:

Section 10.47 was amended by T.D. 89–1 by replacing the item 870.27, TSUS, reference with the words "subheading 4705.00.00, Harmonized Tariff Schedule of the United States"; this number should have been "9705.00.00" which is the HTSUS subheading that covers the goods of former item 870.27, TSUS. However, on further review Customs has determined that the entire section should be removed. It is noted in this regard that, although all of the products of TSUS item 870.27 were transferred to HTSUS subheading 9705.00.00, the HTSUS provision (1) covers other products in addition to those of TSUS item 870.27; (2) does not describe products "imported for" any specific uses as provided in TSUS item 870.27; and (3) does not contain the limiting language "and not for sale or other commercial use" used in TSUS item 870.27. Inasmuch as the regulatory requirement for the filing of a declaration regarding the intended uses of the imported merchandise was based on statutory standards which have been removed, the regulation no longer serves any purpose and thus should not be retained.

Section 10.53, which concerns antiques, was amended in several places by replacing TSUS items 766.20 and 766.25 with references to HTSUS subheadings 9705.00.00 and 9706.00.00. The references to subheadings 9705.00.00 are being deleted because that subheading covers neither antiques nor products for which age is a factor for classification purposes. In addition, the references to "Chapter 96" in paragraphs (f) and (g) of this section are being corrected to read "Chapter 97".

The references in sections 10.76(a) and (b) to HTSUS subheading "9817.70" are being corrected to read "9817.00.70".

The reference in section 10.90(a) to HTSUS subheading "8524.20" is being corrected to read "8524.90.20".

T.D. 89–1 amended § 10.121(a) by replacing the TSUS headnote reference at the end thereof with a reference to "U.S. Note 1, Subchapter XVII, Chapter 98, HTSUS". However, this change is not reflected in the current version of 19 CFR chapter I. This printing error is corrected in this document.

Part 19

T.D. 89–1 amended § 19.17(a) in part by replacing the reference to Schedule 6, Part 1 or 2, TSUS, with a reference to "Chapter 26, 71, 72, and 73" of the HTSUS. Two commenters stated that the amended section, which identifies those metal-bearing materials that may be smelted or refined in bonded warehouses, is improperly limited in scope because it does not cover metals other than iron or steel. These commenters argued that the HTSUS reference should be to "Chapters 26 and 71 through 83", and they pointed out in this regard that this would align the regulation with 19 U.S.C. 1312(f) which was amended to refer to these HTSUS Chapters by section 1214(h) of the Omnibus Trade and Competitiveness Act of 1988.

Customs agrees that the regulatory provision should be changed as suggested by these commenters so as to reflect the scope of the statutory provision which is the basis for, and is cited in, the regulation. Although the mention of Chapters 82 and 83 in the statute and regulation broadens the scope by including articles not previously covered by Schedule 6, parts 1 and 2, TSUS, the meaning of "metal-bearing materials" set forth in 19 U.S.C. 1312(f) remains the same. Thus, § 19.17 will continue to apply to metal-bearing ores and other metal-bearing materials, metal waste and scrap, unwrought metal, and metal compounds.

Part 24

T.D. 89–1 inadvertently failed to replace the TSUS references with appropriate HTSUS references in sections 24.23(b)(1)–(3); this document corrects these omissions. The document also inserts the proper HTSUS reference in section 24.23(b)(4). The amendments to sections 24.23(b) (1), (3) and (4) conform to amendments to 19 U.S.C. 58c(a)(9) effected by the Omnibus Trade and Competitiveness Act of 1988 and by the Customs and Trade Act of 1990.

Part 132

T.D. 89–1 amended section 132.6 by replacing the reference to TSUS General Headnote 3(e) (which should have been amended previously to read General Headnote "3(d)") with a reference to HTSUS "General Note 3(c)". The amended regulation, which has reference to products of Communist countries and areas, should have referred to HTSUS General Note "3(b)". This document corrects this error.

Part 134

T.D. 89–1 revised § 134.43(a) by deleting the list of TSUS item numbers and, in order to ensure the same scope, by inserting in the regulation the names of additional specific types of products covered by those TSUS numbers. However, "dental instruments" (covered by deleted TSUS item 709.25) and "scientific and laboratory instruments" (which were listed in the regulation before its revision) were inadvertently left out of the text appearing in T.D. 89–1. This document inserts those references.

Section 134.43(b) was amended by T.D. 89–1 by replacing the existing TSUS headnote references with a reference to "Chapter 91, Additional U.S. Note 4", but without referring to the "Harmonized Tariff Schedule of the United States". This incomplete citation is correct.

Part 141

T.D. 89–1 revised § 141.4(b) to cite specific HTSUS provisions covering vessels for which an entry must be filed. Inadvertently omitted from the revised text were references to HTSUS heading 8907 and subheadings 8905.90.10 and 8906.00.10. This document corrects this oversight. In addition, the reference to General Note "5" is being corrected to read "4" in § 141.4(a).

Part 142

T.D. 89–1 as published in the Federal Register (but not as published in the *Customs Bulletin*) omitted some lines, consisting of (1) the authority citation for part 142 and (2) an amendment to § 142.6(a)(4), the latter comprising a direct conversion to HTSUS terminology without any change in substance. This document sets forth those omitted lines.

Part 151

One commenter suggested a number of changes to the regulatory provisions concerning petroleum and petroleum products. With regard to §§ 151.13(a)(1) and 151.44(a), this commenter argued in favor of using metric tons and gallons, rather than barrels, as units of quantity, because many U.S. and foreign petroleum measurement operations are conducted on an English (gallon) or metric (metric ton) basis and thus use of the barrel standard would cause confusion and lead to inconsistencies. Moreover, this commenter stated that any use of a barrel standard should be based on clearly defined metric guidelines and conversion factors, pointing out that the definition of "barrel" in Additional U.S. Note 7 to chapter 27, HTSUS, should refer to "158.9873 liters" rather than "158.98 liters". With regard to the analysis methods and standards set forth in the tables under §§ 151.13(a)(2) and 151.14, the commenter proposed a number of changes involving both the inclusion of API (American Petroleum Institute) standards with the existing ASTM standards and the addition of some new standards and methods. Finally, this commenter argued in favor of use of a net quantity (defined to mean Net Standard Volume, *i.e.*, excluding sediment and water) for entry and reporting purposes, with the deletion of the reference to "gross quantity" in § 151.13(a)(1) (to be consistent with the "net quantity" reference in § 151.47) and with the deletion of the § 151.46 Customs Form 4315 allowance application procedure (to reduce the paperwork burden on Customs and importers).

Customs does not agree with the proposal to replace the barrel unit of quantity with metric tons or gallons. Barrels are specifically provided for in the Units of Quantity column opposite heading 2710 in the HTSUS, and Customs has no authority to apply a regulatory standard which conflicts with the statutory standard. Similarly, Customs has no authority to modify Additional U.S. Note 7 to chapter 27 to refer to "158.9873" liters. Questions regarding possible amendments to the provisions set forth in the HTSUS more properly fall under the jurisdiction of the U.S. International Trade Commission.

With regard to the proposal to amend the tables under §§ 151.13(a)(2) and 151.14 by including API testing standards with the ASTM standards and by adding new standards and methods, Customs does not believe that it is necessary or appropriate to take such action at the present time. No allegation has been made to the effect that the standards set forth in the regulations are incorrect or otherwise unsuitable, and Customs simply does not have the manpower resources that would be required to determine whether the API and other suggested standards and methods in fact correspond precisely to the existing ASTM standards contained in the regulations. Customs recognizes, however, that some API standards were developed jointly with the ASTM standards and thus may be equivalent. Accordingly, in order to not foreclose the use of alternate but fully equivalent testing standards and in order to avoid regulatory amendments whenever a specified ASTM standard is replaced by a new ASTM standard, the table under § 151.13(a)(2) is being amended in this document by adding the words "or other equivalent approved method", where appropriate, within the parentheses after the ASTM standard specified in the "Characteristic (analysis method)" column. It should be noted, however, that a laboratory which wishes to use a testing standard not specified in the regulation must obtain approval from Customs for use of that alternate standard in order to ensure that the results will be acceptable to Customs.

Finally, Customs does not agree with the proposals to provide in the regulations for the use of only net quantity and to do away with the Customs Form 4315 allowance application procedure. The present regulations adequately provide the option of using net quantity both for purposes of gauging reports (§ 151.13(a)(1)) and for entry purposes (§ 151.47). However, there may be circumstances where the importer may prefer to make entry based on the gross quantity, for example when the analytical laboratory report is not available for filing with the entry summary as required under § 151.47; in such a case the importer could later file the Customs Form 4315 so as to ensure that liquidation would be based on the net quantity. Customs sees no reason to deprive importers of this flexibility. In addition, retention of the Customs Form 4315 procedure is necessary because Customs often uses the form to verify the importer's claim against the gauger's or Customs laboratory test, and the determination of sediment and water by a Customs-accredited commercial laboratory, rather than simply accepting the net standard volume as determined by a party not under the control of Customs prior to arrival in the U.S., is a necessary control procedure.

Customs has also determined during its internal review of the interim regulations that other changes should be made to the regulations in part 151. These changes, and the reasons therefore, are as follows:

1. All references to the analysis of sugar (sucrose, raw sugar), molasses, and standard newsprint (HTSUS headings 1701, 1703, and 4801) have been removed from §§ 151.13(a)(2) and 151.14. The removal of sugar and molasses testing is due to the fact that, effective January 10, 1989, Customs laboratories assumed the responsibility for testing sugar and for reporting quantities for purposes of the sugar quota program; thus, it is no longer necessary for commercial laboratories to do the testing and therefore no such laboratories have been approved for such purposes (except in the case of molasses weight per gallon which uses a Fahrenheit standard and thus is no longer relevant under the HTSUS). The removal of the standard newsprint testing is necessitated by the fact that commercial laboratories are unwilling to perform this type of testing due to high testing costs, with the result that Customs has no basis for monitoring this type of testing. The resulting changes to the regulations involve: (1) Removal of "TAPPI, ICUMSA," from the text of § 151.13(a)(2); (2) removal of the references in question from the "HTSUS", "Product", and "Characteristic (analysis method)" columns in the table under § 151.13(a)(2); (3) removal of the words "the International Commission for Uniform Methods of Sugar Analysis (ICUMSA)," from § 151.13(g)(1); and (4) redrafting of § 151.14 by removing the table and setting forth the regulation in paragraph form to reflect the retention of only one category (sediment and water).

2. The spelling of "naptha" is being corrected to read "naphtha" in the two tables under § 151.13.

3. Section 151.46 is being revised to set forth a cross-reference to § 158.13, and the substance of § 151.46 is being transferred to § 158.13 as a separate subparagraph under paragraph (a). It is noted in this regard that T.D. 89–1 revised § 151.46 (to reflect the amendment to 19 U.S.C. 1507 effected by section 1902 of the Omnibus Trade and Competitiveness Act of 1988) to provide for an allowance for all detectable water and sediment in imported petroleum and petroleum products. However, the revision of § 151.46, by removing the cross-reference to § 158.13 and by including substantive procedural requirements (formerly covered exclusively by § 158.13) in revised § 151.46, has resulted in a contextual or organizational problem: § 151.46 no longer refers to any quantitative standards (which is the overall context of part 151) but rather refers to procedures for obtaining an allowance for duty purposes (which is the context of part 158), with the result that there may be difficulty in knowing where to find the allowance provisions relating to petroleum and petroleum products. The transfer of the substance of present § 151.46 to § 158.13, with modifications to the titles of both sections and other consequential changes to clarify that different standards apply to petroleum products than to other types of products, will obviate these problems.

Finally, the citation of authority for part 151 is being revised by deleting the authority citation for § 151.43, a section removed and reserved by T.D. 87–39, 52 FR 9784.

Part 159

T.D. 89–1 amended § 159.7(a)(1) by replacing the reference to TSUS Schedule 1, part 12, with a reference to HTSUS headings 2207 and 2208. However, products covered by the TSUS reference also fall under HTSUS headings 2203, 2204, 2205, and 2206. Accordingly, the regulation is amended by this document to include references to those additional headings.

Executive Order 12291

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

Regulatory Flexibility Act

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

Paperwork Reduction Act

The collection of information contained in the final regulation in § 134.22(b), pertaining to country of origin marking on imported containers or holders, has been reviewed and approved by the Office of Management and Budget in accordance with the requirements of the Paperwork Reduction Act (44 U.S.C. 3504 (h)) under control number 1515–0163. The estimated average burden associated with the collection of information in this final rule is 15 seconds per response and

10 minutes on an annual basis per respondent. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Regulations and Disclosure Law Branch, room 2119, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, DC 20229, or the Office of Management and Budget, Attention: Desk Officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503.

Drafting Information

The principal author of this document was Francis W. Foote, Regulations and Disclosure Law Branch, U.S. Customs Service. However, personnel from other offices participated in its development.

List of Subjects in 19 CFR, Chapter I

Customs duties and inspection; Harmonized tariff schedule of the United States, Imports.

Amendments to the regulations

Accordingly, the interim rule amending 19 CFR chapter I which was published at 53 FR 51244–51271 on December 21, 1988, is adopted as a final rule with the following changes:

PART 7—CUSTOMS RELATIONS WITH INSULAR POSSESSIONS AND GUANTANAMO BAY NAVAL STATION

1. The authority citation for part 7 is revised to read as follows:

Authority: 19 U.S.C. 66, 1202 (General Note 8, Harmonized Tariff Schedule of the United States), 1624, unless otherwise noted.

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

1. The general authority citation for part 10 is revised to read as follows:

Authority: 19 U.S.C. 66, 1202, 1481, 1484, 1498, 1508, 1623, 1624.

§ 10.47 [Removed and Reserved]

2. Part 10 is amended by removing § 10.47 and by marking it "reserved".

§ 10.53 [Amended]

3. Section 10.53 is amended as follows:

(a) Paragraphs (a) and (c) are amended by removing the words "9705.00.00 or".

(b) Paragraphs (b), (d), and (f) are amended by removing the words "subheadings 9705.00.00 and" wherever they appear and by adding, in their place, the word "subheading".

(c) Paragraphs (f) and (g) are amended by removing the words "Chapter 96" and by adding, in their place, the words "Chapter 97".

§ 10.76 [Amended]

4. Section 10.76, paragraphs (a) and (b), are amended by removing the words "subheading 9817.70" and by adding, in their place, the words "subheading 9817.00.70".

§ 10.90 [Amended]

5. Section 10.90, paragraph (a), is amended by removing the words "subheading 8524.20" and by adding, in their place, the words "subheading 8524.90.20".

§ 10.121 [Amended]

6. Section 10.121, paragraph (a), is amended by removing the words "headnote 1, part 6, schedule 8, Tariff Schedules of the United States" and by adding, in their place, the words "U.S. Note 1, Subchapter XVII, chapter 98, HTSUS".

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

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

Authority: 5 U.S.C. 301, 19 U.S.C. 66, 1202 (General Note 8, Harmonized Tariff Schedule of the United States), 1624, unless otherwise noted.

§ 19.17 [Amended]

2. Section 19.17, paragraph (a), is amended by removing the words "Chapter 26, 71, 72, and 73" and by adding, in their place, the words "Chapters 26 and 71 through 83".

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

1. The general authority citation for part 24 continues to read as follows:

Authority: 5 U.S.C. 301, 19 U.S.C. 58a–58c, 66, 1202 (General Note 8, Harmonized Tariff Schedule of the United States), 1624, 31 U.S.C. 9701; Pub. L. 99–662, unless otherwise noted.

§ 24.23 [Amended]

2. Section 24.23 is amended as follows:

(a) Paragraph (b)(1) is amended by removing the words "schedule 8, Tariff Schedules of the United States (TSUS; 19 U.S.C. 1202)" and by adding, in their place, "Chapter 98, Harmonized Tariff Schedule of the United States (HTSUS; 19 U.S.C. 1202)".

(b) Paragraph (b)(2) is amended by removing the words "(General Headnote 3(a), TSUS)" and by adding, in their place, "(General Note 3(a)(iv), HTSUS.)".

(c) Paragraph (b)(3) is amended by removing the words "(General Headnote 3(e)(vii), TSUS.)" and by adding, in their place, "(General Note 3(c)(v), HTSUS.)".

(d) Paragraph (b)(4) is amended by removing the words "least developed developing countries. (General Headnote 3(e)(vi), TSUS.)" and by adding, in their place, "least-developed beneficiary developing countries. (General Note 3(c)(ii)(B), HTSUS.)".

PART 132—QUOTAS

1. The authority citation for part 132 continues to read as follows:

Authority: 19 U.S.C. 66, 1202 (General Note 8, Harmonized Tariff Schedule of the United States), 1623, 1624.

§ 132.6 [Amended]

2. Section 132.6 is amended by removing the words "General Note 3(c)" and by adding, in their place, the words "General Note 3(b)".

PART 134—COUNTRY OF ORIGIN MARKING

1. The authority citation for part 134 continues to read as follows:

Authority: 5 U.S.C. 301, 19 U.S.C. 66, 1202 (General Note 8, Harmonized Tariff Schedule of the United States), 1304, 1624.

§ 134.43 [Amended]

2. Section 134.43 is amended to read as follows:

(a) Paragraph (a) is amended by adding after "surgical instruments," the words "dental instruments, scientific and laboratory instruments,".

(b) Paragraph (b) is amended by adding after "Additional U.S. Note 4" the words ", Harmonized Tariff Schedule of the United States".

PART 141—ENTRY OF MERCHANDISE

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

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

§ 141.4 [Amended]

2. Section 141.4 is amended as follows:

(a) Paragraph (a) is amended by removing the words "General Note 5" and by adding in their place, the words "General Note 4".

(b) Paragraph (b) is revised to read as follows:

(b) Vessels (not including vessels classified in headings 8903 and 8907 and subheadings 8905.90.10 and 8906.00.10 or in Chapter 98, HTSUS, such as under subheadings 9804.00.35 or 9813.00.35). See also Chapter 89, Additional U.S. Note 1.

* * * * *

PART 142—ENTRY PROCESS

1. The authority citation for part 142 continues to read as follows:

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

§ 142.6 [Amended]

2. Section 142.6, paragraph (a)(4), is amended by removing the first two sentences and by adding, in their place, the following: "The appropriate eight-digit subheading from the Harmonized Tariff Schedule of the United States. If the importer is uncertain of the appropriate subheading number, Customs shall assist him at his request."

PART 151—EXAMINATION, SAMPLING, AND TESTING OF MERCHANDISE

1. The authority citation for part 151 is revised to read as follows:

Authority: 19 U.S.C. 66, 1202 (General Notes 8 and 9, Harmonized Tariff Schedule of the United States), 1624.

* * * * *

Section 151.42 also issued under 19 U.S.C. 1460, 1584, 1592;

Section 151.46 also issued under 19 U.S.C. 1507;

* * * * *

§ 151.13 [Amended]

2. Section 151.13 is amended as follows:

(a) The table under paragraph (a)(1) is amended by removing from the Product column the word "naptha" and by adding, in its place, the word "naphtha".

(b) Paragraph (a)(2) is amended by removing the words "TAPPI, ICUMSA," from the last sentence before the table.

(c) Paragraph (a)(2) is further amended by removing the table and by adding, in its place, the following table:

HTSUS	Product	Characteristic (analysis method)
2707.10 through 2707.30 and 2902.20 through 2902.44.	Benzene toluene and xylene	—Distillation characteristics (ASTM D 86). —Xylene isomer content (ASTM D 2306 or other equivalent approved method). —Percent composition by weight (ASTM D 2360, D 3797, D 3798, D 4492 or other equivalent approved methods).
2709	Crude petroleum	—Water by distillation (ASTM D 4006 or other equivalent approved method). —Sediment and water (ASTM D 96 or other equivalent approved method). —API gravity (ASTM D 287 or other equivalent approved method). —Sediment by extraction (ASTM D 473 or other equivalent approved method).
2710 (various subheadings)	Such as, fuel oil, motor fuel, Kerosene, naphtha, and lubricating oils.	—Distillation characteristics (ASTM D 86 or other equivalent approved method). —Water by distillation (ASTM D 95 or other equivalent approved method). —Sediment and water (ASTM D 96 or other equivalent approved method). —API gravity (ASTM D 287 or other equivalent approved method). —Reid vapor pressure (ASTM D 323 or other equivalent approved method). —Saybolt universal viscosity (ASTM D 445 and D 2161 or other equivalent approved methods). —Sediment by extraction (ASTM D 473 or other equivalent approved method). —Percent by weight sulfur (ASTM D 1266, ASTM D 2622, or ASTM D 3120, or other equivalent approved methods). —Percent by weight lead (ASTM D 2547, ASTM D 2599, or ASTM D 3341, or other equivalent approved methods). —Antiknock index (ASTM D 2699 (RON) and ASTM D 2700 (MON); see ASTM D 439).
Chapter 29 (various subheadings)	Organic compounds in bulk and in liquid form.	—Identity using HTSUS descriptions or common or IUPAC nomenclature. —Composition, giving percent by weight of each component. (Various methods published by ASTM, API, AOAC, USP, and similar organizations, may used for identity and composition, e.g., ASTM D 2593 for butadiene, D 2192 for aldehydes, ketones, and similar substances. Approved methods involving gas or liquid chromatography, infrared spectroscopy mass spectrometry, nuclear magnetic resonance spectrometry, and various "wet" chemical procedures and physical tests, e.g., refractive index, and melting point, may also be used.)

(d) Paragraph (g)(1) is amended by removing the words "the International Commission for Uniform Methods of Sugar Analysis (ICUMSA),".

3. Section 151.15 is revised to read as follows:

§ 151.14 Use of commercial laboratory tests in liquidation.

The "sediment and water" characteristic as set out in § 151.13(a)(2) and as determined by a Customs-accredited commercial laboratory shall be used for Customs purposes if the difference between the value found by the commercial laboratory and the value found by the Customs laboratory does not exceed 0.11 percent. If the difference exceeds this limit and the Customs-accredited commercial laboratory cannot establish that Customs is in error, then the Customs results shall be used.

4. Section 151.46 is revised to read as follows:

§ 151.46 Allowance for detectable moisture and impurities.

An allowance for all detectable moisture and impurities present in or upon imported petroleum or petroleum products shall be made in accordance with § 158.13 of this chapter.

PART 158—RELIEF FROM DUTIES ON MERCHANDISE LOST, DAMAGED, ABANDONED, OR EXPORTED

1. The authority citation for part 158 is revised to read as follows:

Authority: 19 U.S.C. 66, 1624, unless otherwise noted. Subpart C also issued under 19 U.S.C. 1563.

2. Section 158.13 is revised to read as follows:

§ 158.13 Allowance for moisture and impurities.

(a) *Application by importer.* (1) *Petroleum and petroleum products.* An application for an allowance in duties under section 507, Tariff Act of 1930, as amended (19 U.S.C. 1507), for all detectable moisture and impurities present in or upon imported petroleum or petroleum products shall be made by the importer on Customs Form 4315. The application shall be filed with the district director within 10 days of the district director's receipt of the gauging report or within 10 days of Customs acceptance of the entry's invoice gauge.

(2) *Other products.* An application for an allowance in duties under 19 U.S.C. 1507 for products other than petroleum or petroleum products for excessive moisture or other impurities not usually found in or upon such or similar

merchandise shall be made by the importer or Customs Form 4315. The application shall be filed with the district director within 10 days after the report of weight or gauge has been received by the district director or within 10 days after the date upon which the entry or a related document was endorsed to show that invoice weight or gauge has been accepted by the Customs inspector or other Customs officer.

(b) *Allowance by district director.* If the district director is satisfied after any necessary investigation that the merchandise contains moisture or impurities as described in paragraph (a) of this section, he shall make allowance for the amount thereof in the liquidation of the entry.

PART 159—LIQUIDATION OF DUTIES

1. The authority citation for part 159 continues to read as follows:

Authority: 19 U.S.C. 66, 1500, 1624. Subpart C also issued under 31 U.S.C. 372. Additional authority and statutes interpreted or applied are cited in the text or following the sections affected.

§ 159.7 [Amended]

2. Section 159.7(a)(1) is amended by removing the words "headings 2207 and 2208" and by adding, in their place, the words "headings 2203 through 2208".

Carol Hallett,
Commissioner of Customs.

Approved: September 26, 1990.

Peter K. Nunez,
Assistant Secretary of the Treasury.

[FR Doc. 90-23246 Filed 10-1-90; 8:45 am]

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 201, 203, and 234

[Docket No. N-90-3155; FR-2912-N-1]

FHA Single Family Maximum Mortgage Limits; Reduction of High Cost Ceilings

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice of reduction of FHA single family maximum mortgage limits for high-cost areas.

SUMMARY: This Notice is for the purpose of announcing that, unless extended by Congress, the current maximum mortgage limits for high-cost areas will no longer be in effect after September 30, 1990, and will revert to the limits in effect before fiscal year 1990.

EFFECTIVE DATE: October 1, 1990.

FOR FURTHER INFORMATION CONTACT: For single family: Morris Carter, Director, Single Family Development Division, Room 9272; telephone (202) 708-2700. For manufactured homes: Robert J. Coyle, Director, Title I Insurance Division, Room 9160; telephone (202) 708-2880; 451 Seventh Street SW., Washington, DC 20410. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

Background

The National Housing Act (NHA), 12 U.S.C. 1710-1749, authorizes HUD to insure mortgages for single family residences (from one- to four-family structures), condominiums, manufactured homes, manufactured home lots, and combination manufactured homes and lots. The NHA, as amended by the Housing and Community Development Amendments of 1980 and the Housing and Community Development Amendments of 1981, permits HUD to increase the maximum mortgage limits under most of these programs to reflect regional differences in the cost of housing. In addition, sections 2(b) and 214 of the NHA provide for special high-cost limits for insured mortgages in Alaska, Guam and Hawaii.

The Department published lists of high-cost areas on January 12, 1990 (55 FR 1312) and June 14, 1990 (55 FR 24075), listing all areas eligible for "high-cost" mortgage limits under certain of HUD's insuring authorities under the National Housing Act, and the applicable limits for each area.

Currently, the National Housing Act provides that HUD can grant mortgage insurance for a one-family dwelling in a high-cost area up to a maximum of $101,250 (150% of the medium one-family dwelling mortgage limit), with corresponding increases for two-, three-, and four-family dwellings. For fiscal year 1990, however, as a condition in the Departments of Veterans Affairs and Housing and Urban Development Appropriation Act (Pub. L. 101-144), HUD as authorized to insure high-cost area mortgages up to 185% of the base statutory mortgage insurance limits provided for in the NHA ($124,875 in the case of a one-family dwelling). If no continuing resolution is enacted, the authority to set limits in excess of 150% of the statutory limits will expire after September 30, 1990, except for mortgages insured under Title II of the NHA:

(1) Pursuant to a conditional commitment or master conditional commitment issued by HUD on or before September 30, 1990; or

(2) Pursuant to an appraisal report or master appraisal report signed by a Direct Endorsement underwriter on or before September 30, 1990; or

(3) Pursuant to a certificate of reasonable value or master certificate of reasonable value issued by the Department of Veterans Affairs on or before September 30, 1990.

Since the authority to increase limits was temporary, HUD did not amend its regulations to conform them to the 185% increase of the basic mortgage limit in high-cost areas for fiscal year 1990. The current regulations, which limit insurance coverage to 150% of the base amount in high-cost areas, have been waived in those areas where local cost data supported a limit in excess of 150%.

If a continuing resolution on appropriations for fiscal year 1991 becomes law, the 185% maximum might be extended in accordance with its terms.

This Document

Today's document is for the purpose of announcing that, unless pending legislation is enacted by the Congress to extend the authority to increase maximum mortgage limits in high-cost areas beyond September 30, 1990, any area whose current temporary high-cost limit exceeds 150% of the base statutory mortgage insurance limits will be limited to the maximum mortgage insurance limit in effect before fiscal year 1990 (*i.e.*, $101,250 for a one-family dwelling, $114,000 for a two-family dwelling, $138,000 for a three-family dwelling, and $160,500 for a four-family dwelling).

Increased limits in high-cost areas for Title I loans (combination manufactured home and lot loan and lot-only loans) will also revert to the limits in effect before fiscal year 1990.

Dated: September 26, 1990.

Arthur J. Hill,
Acting Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 90-23268 Filed 10-1-90; 8:45 am]

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