Federal Register
Vol. 59, No. 196
Wednesday, October 12, 1994

Presidential Documents

Title 3—

The President

Presidential Determination No. 94–53 of September 30, 1994

Determination Under Section 2(b)(2)(D) of the Export-Import Bank Act of 1945, as Amended: People's Republic of China

Memorandum for the Secretary of State

Pursuant to section 2(b)(2)(D) of the Export-Import Bank Act of 1945, as amended, I determine that it is in the national interest for the Export-Import Bank of the United States to extend a loan in the amount of approximately $134,009,496 to the People's Republic of China in connection with the purchase of U.S. equipment and services for the expansion of the Ligang power station within Jiangsu Province.

You are authorized and directed to report this determination to the Congress and publish it in the **Federal Register.**

William J. Clinton

THE WHITE HOUSE,
Washington, September 30, 1994.

Justification for a National Interest Determination for the People's Republic of China

Pursuant to Section 2(b)(2)(D) of the Export-Import Bank Act of 1945, as amended, I have determined that it is in the national interest for the Export-Import Bank of the United States (Eximbank) to extend a loan in the amount of approximately $134,009,496 to the People's Republic of China in connection with the purchase of U.S. equipment and services for the expansion of the Ligang power station within Jiangsu Province.

This Eximbank loan will support U.S. exports to China valued at approximately $153 million. Westinghouse Electric Corporation has been awarded the contract to supply equipment and services for this project.

The exports financed by Eximbank will have a favorable and significant impact on income and employment in the areas where the U.S. supplier is located. With Eximbank financing support, the U.S. supplier won the contract for this project against international competition from suppliers in the United Kingdom, France, Germany, and Italy.

In recent years, China has been the fastest growing Asian market for U.S. exports. Beijing's plans to increase imports necessary to modernize its industry and upgrade infrastructure hold out considerable sales potential. Eximbank financing is an important component of our efforts to support U.S. exports to China.

[FR 94–25404
Filed 10–7–94; 3:37 pm]
Billing code 4710–10–M

Presidential Documents

Presidential Determination No. 94–54 of September 30, 1994

Transfer of $4.6 Million in FY 94 Foreign Military Financing Funds to the Economic Support Fund for Haiti

Memorandum for the Secretary of State

Pursuant to the authority vested in me by section 610(a) of the Foreign Assistance Act of 1961, as amended (the "Act"), (22 U.S.C. section 2261), I hereby determine that it is necessary for the purposes of the Act that $4.6 million of funds made available for section 23 of the Arms Export Control Act for fiscal year 1994 for cost of direct loans, be transferred to, and consolidated with, funds made available for chapter 4 of Part II of the Act.

I hereby authorize the use in the fiscal year 1995 of the aforesaid $4.6 million in the funds made available above under chapter 4 of Part II of the Act to provide economic assistance to Haiti.

You are hereby authorized and directed to report this determination immediately to the Congress and to arrange for its publication in the **Federal Register.**

William J. Clinton

THE WHITE HOUSE,
Washington, September 30, 1994.

[FR Doc 94–25406
Filed 10–7–94; 3:38 pm]
Billing code 4710–10–M

Editorial note: For the President's notice continuing the emergency with Haiti and his message to Congress on this notice, see pp. 1909 and 1910 of the *Weekly Compilation of Presidential Documents.*

Presidential Documents

Presidential Determination No. 94–55 of September 30, 1994

Transfer of $4.6 Million in FY 94 Foreign Military Financing Funds to the Economic Support Fund for Assistance for Guatemala as a Peace Fund

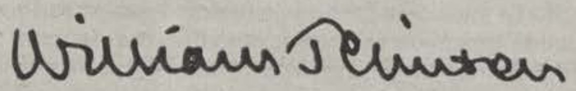
Memorandum for the Secretary of State

Pursuant to the authority vested in me by section 610(a) of the Foreign Assistance Act of 1961, as amended (the "Act") (22 U.S.C. section 2261), I hereby determine that it is necessary for the purposes of the Act that $4.6 million of funds made available for section 23 of the Arms Export Control Act, be transferred to, and consolidated with, funds made available for chapter 4, Part II of the Act.

I hereby authorize the use of the aforesaid $4.6 million in the funds made available above under chapter 4 of Part II of the Act to set aside a Guatemala Peace Fund to provide economic assistance to promote peace and stability in Guatemala.

You are hereby authorized and directed to report this determination immediately to the Congress.

This determination shall be published in the **Federal Register**.



THE WHITE HOUSE,
Washington, September 30, 1994.

[FR Doc–94–25405
Filed 10–7–94; 3:39 pm]
Billing code 4710–10–M

Presidential Documents

Proclamation 6733 of October 5, 1994

Crime Prevention Month, 1994

By the President of the United States of America

A Proclamation

Finding solutions to the problems of crime and violence must be a top priority for our Nation. Parents should not be afraid to let their children walk to school alone. Children should never hesitate to play in neighborhood playgrounds. No longer should innocent Americans of all ages find their lives forever changed by crime. Americans have endured enough.

Our Nation made a major leap forward in the effort to find lasting solutions when I signed into law the long-awaited crime bill—the toughest, smartest Federal attack on crime in our history. The Violent Crime Control and Law Enforcement Act is the first major Federal anti-crime legislation enacted in 6 years. It authorizes more than $5 billion in Federal assistance over the next 6 years to help States and communities implement a broad range of new crime and drug abuse prevention programs.

Prevention is the first, critical step in my Administration's three-pronged strategy for crime control. Accompanied by stringent law enforcement and by certain, appropriate punishment, prevention is one of our Nation's most effective weapons against crime, violence, and the spread of illicit drugs. Across the country, people are already working to bring about positive change in their communities. They are establishing neighborhood watches and citizen patrols. They are working with law enforcement officers to close down drug houses. They are cleaning up playgrounds and parks and creating drug-free school zones. They are taking back their streets from all those who would seek to cause harm.

The National Citizens' Crime Prevention Campaign—sponsored by the U.S. Department of Justice, the Advertising Council, the Crime Prevention Coalition, and the National Crime Prevention Council—is also working to help implement crime prevention efforts in American urban, suburban, and rural areas and on U.S. military bases worldwide. The Crime Prevention Coalition sponsors Crime Prevention Month each October to emphasize the importance of personal involvement and to promote community-police partnerships for crime control. Crime Prevention Month challenges every American to take individual and collective action to prevent crime. It teaches us that working together, we can make a difference.

The Congress, by House Joint Resolution 363, has designated October 1994 as "Crime Prevention Month" and has authorized and requested the President to issue a proclamation in observance of this month.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim October 1994 as Crime Prevention Month. I encourage residents in communities throughout the Nation to observe this month with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of October, in the year of our Lord nineteen hundred and ninety-four, and of the Independence of the United States of America the two hundred and nineteenth.

William J. Clinton

[FR Doc. 94-25425
Filed 10-7-94; 4:51 pm]
Billing code 3195-01-P

Rules and Regulations

Federal Register
Vol. 59, No. 196
Wednesday, October 12, 1994

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 93–ACE–07]

Revision of Class E Airspace; Harper Municipal Airport, KS/

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies the Class E airspace at the Harper Municipal Airport, Harper, Kansas. Prior to the Airspace Reclassification, the Class E airspace for Harper, Kansas, was designed to exclude that airspace east of 98 degrees longitude. However, during Airspace Reclassification, the excluded area, including the Bob Park Airport (private), was inadvertently omitted. The intended effect of this action is to exclude the Class E airspace east of 98 degrees longitude above the Bob Park Airport (private) located northeast of Harper, Kansas. The area will be depicted on aeronautical charts to provide a reference for pilots operating in the area.

EFFECTIVE DATE: 0901 u.t.c., December 8, 1994.

FOR FURTHER INFORMATION CONTACT: Kathy J. Randolph, Airspace Technician, System Management Branch, ACE–530c, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106; telephone number: (816) 426–3408.

SUPPLEMENTARY INFORMATION:

History

On January 7, 1994, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to modify Class E airspace at the Harper Municipal Airport, Harper, Kansas (59 FR 4612).

Prior to Airspace Reclassification, the Class E airspace area for Harper, Kansas excluded that airspace east of 98 degrees longitude. During Airspace Reclassification, this excluded area was inadvertently omitted. The NPRM proposed to exclude that airspace "north of Hwy 160 and east of longitude 98 00′00″ W. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA One commenter objected to the proposal because it did not exclude all the airspace east of 98 degrees longitude. The inclusion of the airspace "north of Hwy 160" within the excluded area was in error. This amendment corrects that error in the NPRM by deleting the Class E airspace east of 98 degrees longitude, which was inadvertently omitted in the airspace reclassification. It has been determined this exclusion will not compromise safety to aircraft arriving or departing the Harper, Kansas, Municipal Airport. Class E airspace designations for airspace areas extending upward from 700 feet or more above ground level are published in paragraph 6005 of FAA Order 7400.9B, dated July 18, 1994, and effective September 16 1994, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) amends Class E airspace at Harper, Kansas, by excluding the Class E airspace east of 98 degrees longitude above the Bob Park airport (private) located northeast of Harper, Kansas.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034: February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—[AMENDED]

1.The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9B, Airspace Designations and Reporting Points, dated July 18, 1994 and effective September 16, 1994, is amended as follows:

Paragraph 6005 Class E airspace areas extending from 700 feet or more above the surface of the earth.

* * * * *

ACE KS E5 Harper, KS [Revised]

Harper Municipal Airport, KS
(lat. 37°16′41″ N, long. 98°02′37″ W)

That airspace extending upward from 700 feet above the surface within a 6–mile radius of Harper Municipal Airport, excluding that airspace east of longitude 98°00′00″ W.

* * * * *

Issued in Kansas City, Missouri, on September 7, 1994.

Donald F. Hensley,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 94–24696 Filed 10–11–94; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 19, 112, 113, 118, 125, 146 and 178

[T.D. 94-81]

RIN 1515-AB57

Authorization of Bonded Carriers to Transport Cargo Within Port Limits Without Obtaining Cartman's License

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations to allow bonded carriers to transport merchandise within port limits without having to obtain a cartman's license. It also amends the regulations to allow the operators of foreign trade zones, container station and centralized examination stations and the proprietors of bonded warehouses to transport merchandise from within the district to their respective facilities. These amendments will result in savings of time and money for both the trade and Customs.

EFFECTIVE DATE: November 14, 1994.

FOR FURTHER INFORMATION CONTACT: Ernie Cunningham, Office of Cargo Enforcement and Facilitation, Office of Inspection and Control, at 202-927-0510.

SUPPLEMENTARY INFORMATION:

Background

Customs requires that the carriage of imported merchandise, for which duty has not yet been paid, only be accomplished by certain bonded carriers. A cartman is one who undertakes to transport goods or merchandise within the limits of a port. A lighterman is one who transports goods or merchandise on a barge, scow, or other small vessel to or from a vessel within the port or from place to place within a port. The regulations regarding cartage and lighterage of merchandise are set forth in Part 125 of the Customs Regulations (19 CFR Part 125). The regulations regarding the bonding of carriers which receive merchandise for transportation in bond, and the licensing of cartmen and lightermen are set forth in Part 112 of the Customs Regulations (19 CFR Part 112).

Currently, pursuant to §§ 112.2(b) and 112.21, Customs Regulations, Customs requires a bond and a license to transact business as a cartman or a lighterman for the cartage or lighterage of merchandise entered for warehouse, designated for examination, taken to container stations, or taken into custody as unclaimed.

On October 29, 1992, Customs published a Notice of Proposed Rulemaking (NPRM) in the **Federal Register** (57 FR 49049) proposing to consider within port transfers by cartmen and lightermen like other in-bond movements and to allow bonded carriers, in most instances, to carry in-bond cargo within a port without requiring them to obtain cartman or lighterman licenses.

According to the document, it was proposed that cartage and lighterage of merchandise designated for examination, taken to container stations, taken into custody as unclaimed or destined for admission to a foreign trade zone either may be done under the bond of a licensed cartman or lighterman, or if approved by the district director, under the bond of a foreign trade zone operator, container station operator, centralized examination station operator, or a bonded carrier. However, a license would still be necessary to obtain to carry in-bond merchandise within a port for the cartage of merchandise entered for warehouse; the reason for this exception was that 19 U.S.C. 1565 contained a statutory requirement that a cartman be licensed for cartage of merchandise entered for warehouse. Customs issued the proposal because it believes that the elimination of the license requirement will save Customs and the trade time and money.

Statutory Change Since Proposal

On December 8, 1993, the President signed the North American Free Trade Agreement Implementation Act (Pub. L. 103-182, 107 Stat. 2057). Section 666 of Title VI (Customs Modernization) amended 19 U.S.C. 1565 to allow the cartage of merchandise entered for warehouse by bonded carriers as well as by licensed cartmen. Accordingly, the statement in the proposal that a license is required to transact business as a cartman and lighterman for the cartage or lighterage of merchandise entered for warehouse is no longer consistent with the statute. The statutory impediment to allowing the cartage of merchandise entered for warehouse by bonded carriers that existed at the time the proposal was published no longer exists.

Analysis of Comments

A total of 19 entities responded to the proposal. Generally, each respondent supported the proposal and stated that, if adopted, the proposal would eliminate unnecessary and redundant paperwork for both Customs and the trade, would expedite the movement of cargo within port limits, and would be a positive step in simplifying Customs procedures. Of the 19 commenters, seven fully supported the measure. The remaining commenters, although generally supportive of the purpose of the proposed amendments, suggested some changes. Some sought clarification regarding the types of cartage authorized to be performed by the operators of foreign trade zones, centralized examination stations and container stations. Specific comments requesting changes and clarifications and Customs responses are set forth below.

Comment: Seven commenters requested that the measure be expanded to include transfers between foreign trade zones and subzones, whether within or adjacent to the same port of entry.

Response: The regulations currently provide that cargo movements carried out outside the port limits but within the district boundaries may be accomplished by a bonded carrier. This applies to transfers between foreign trade zones and subzones. The final regulation set forth in this document provides that cargo destined for a foreign trade zone or subzone may be picked up within the district by the operator of the foreign trade zone or subzone to which it is going. This is specified by the new language for § 112.2(b).

Comment: One commenter requested a more liberal wording of the proposed language for 19 CFR 112.2. The language for 19 CFR 112.2 reads, in part: "Cartage * * * may be done under the bond of a cartman, * * * or, if approved by the district director, a bonded carrier * * *." The commenter felt that the proposed language would still require companies with extensive route systems to submit an application of some sort in every Customs district where they anticipate performing the cartman function.

Response: In the future, approval of the bond of a bonded carrier by the district director would indicate approval by Customs for the bonded carrier to engage in cartage. The rule would permit bonded carriers to transfer merchandise within port limits without the need for an application or a cartman or lighterman license; therefore, there is no need to further amend or adopt a more liberal wording of the proposed language in 19 CFR 112.2.

Comment: Three commenters requested that 19 U.S.C. 1565 be amended to eliminate the requirement for cartmen licenses for cargo movements into bonded warehouses. They suggested that such an amendment could be accomplished through the Customs Modernization Act.

Response: As noted previously in this document, section 666 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182) amends 19 U.S.C. 1565 to eliminate the requirement for a cartman's license for cargo movements into bonded warehouses. Any carrier designated as a carrier of bonded merchandise may cart merchandise destined for entry into a bonded warehouse. The final regulation has been amended to reflect the statutory amendment.

Comment: One commenter suggested that Customs clarify whether a foreign trade zone operator is only entitled to engage in cartage for a foreign trade zone, a container station operator only for a container station, a centralized examination station (CES) operator only for a CES, and a bonded warehouse proprietor only for a bonded warehouse, while a licensed cartman or bonded carrier would be entitled to engage in cartage for any of those facilities, and whether district directors would be allowed some discretion in this matter.

Response: Customs agrees that the best policy is that a foreign trade zone operator would be limited to the transportation of merchandise to his foreign trade zone, a container station operator to his container station, a CES operator to his CES, and a bonded warehouse proprietor to his bonded warehouse. A licensed cartman or a bonded carrier would be entitled to engage in transporting merchandise for any of those facilities, the cartman within the port limits and the carrier within the district boundaries. Language to this effect has been inserted in the new § 112.2(b). Once a district director has approved the respective entity's bond, that entity may engage in transporting merchandise as provided for in these regulations.

Comment: The commenter suggests that the conditions of the custodial bond in 19 CFR 113.63 and the foreign trade zone operators bond in 19 CFR 113.73 should be revised to conform with the proposed change in 19 CFR 112.2(b).

Response: Section 113.63, Customs Regulations, has been altered slightly to conform with the changes. Regarding the foreign trade zone operator's bond, Customs agrees that the current foreign trade zone operator's bond is inadequate to secure the operator's performance with respect to movement of goods from one zone to another. Changes have been made to 19 CFR 113.73 in the final rule.

Comment: A commenter suggested that conforming changes referring to bonded carriers under 19 CFR 112.2(b) should be added to 19 CFR 125.11 (a) and (b).

Response: Conforming changes have been made in the final rule.

Comment: One commenter suggested that the procedures in part 125 seem to refer principally to cartmen, lightermen and, as proposed in the NPRM, bonded carriers. He suggests that procedures pertaining to bonded warehouse proprietors and to operators of container stations, centralized examination stations, and foreign trade zones should be made clear in the final rule.

Response: Customs agrees that procedures pertaining to cartage and lighterage by bonded warehouse proprietors and operators of container stations, centralized examination stations and foreign trade zones should be included within part 125. Part 125 is amended accordingly.

Comment: One commenter observed that both bonded warehouses and foreign trade zones are facilities with specific boundaries. He suggested that Customs make clear whether receipt of merchandise by bonded warehouse proprietors for the purpose of cartage constitutes receipt into a bonded warehouse and whether receipt of merchandise by a foreign trade zone operator for the purpose of cartage constitutes receipt into an activated foreign trade zone area and the conferring of foreign trade zone status.

Response: Receipt of merchandise for cartage purposes to a bonded warehouse by its proprietor or to a foreign trade zone by its operator constitutes receipt into the bonded warehouse or admission into the foreign trade zone. Customs approval of such transfers will continue to be accomplished through existing local procedures.

Conclusion

After careful consideration of the comments received and further review of the matter, it has been determined that the proposed amendments, modified as discussed above, should be adopted. The final regulation will allow the cartage and lighterage of merchandise for all purposes by bonded carriers without the necessity of obtaining a cartage license. It will also allow bonded warehouse proprietors, foreign trade zone operators, container station operators and centralized examination station operators to engage in limited cartage and lighterage under their respective bonds and to transport merchandise to their respective facilities from anywhere in the district in which their facility is located.

Regulatory Flexibility Act and Executive Order 12866

Pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) and based upon the information set forth above, it is certified that the regulations will not have a significant economic impact on a substantial number of small entities. The regulations eliminate duplicative or otherwise unnecessary paperwork requirements and thus reduce the regulatory burden. Accordingly, the regulations are not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

This document does not meet the criteria for a "significant regulatory action" as specified in Executive Order 12866.

Paperwork Reduction Act

The collection of information requirements contained in these final regulations have been reviewed and approved by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)) under control number 1515–0193. The estimated average annual burden associated with this collection is .1666 hour per respondent and 1 hour per recordkeeper. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the U. S. Customs Service, Paperwork Management Branch, Room 6316, 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, D. C. 20503.

Drafting Information

The principal author of this document was Janet L. Johnson, Regulations Branch. However, personnel from other offices participated in its development.

List of Subjects

19 CFR Part 19

Customs duties and inspection, Exports, Freight, Reporting and recordkeeping requirements, Surety bonds, Warehouses, Wheat.

19 CFR Part 112

Administrative practice and procedure, Canada, Common carriers, Customs duties and inspection, Exports, Freight, Harbors, Mexico, Reporting and recordkeeping requirements, Surety bond.

19 CFR Part 113

Common carriers, Customs duties and inspection, Exports, Freight, Laboratories, Reporting and recordkeeping requirements, Surety bonds.

19 CFR Part 118

Customs duties and inspection, Centralized examination stations, Imports.

19 CFR Part 125

Customs duties and inspection, Freight, Government contracts, Harbors, Reporting and recordkeeping requirements.

19 CFR Part 146

Administrative practice and procedure, Customs duties and inspection, Exports, Foreign trade zones, Penalties, Reporting and recordkeeping requirements.

19 CFR Part 178

Reporting and recordkeeping requirements.

Amendments to the Regulations

For the reasons set forth in the preamble, parts 19, 112, 113, 118, 125, 146 and 178 of the Customs Regulations (19 CFR parts 19, 112, 113, 118, 125, 146 and 178) are amended as set forth below.

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

1. The general authority citation for part 19 is revised and the specific authority citations for § 19.6 and § 19.44 continue to read as follows:

Authority: 5 U.S.C. 301, 19 U.S.C. 66, 1202 (General Note 17, Harmonized Tariff Schedule of the United States), 1624.

* * * * *

Section 19.6 also issued under 19 U.S.C. 1555.

* * * * *

Section 19.44 also issued under 19 U.S.C. 1448.

* * * * *

2. Section 19.6(a)(1) is amended by revising the third sentence and by adding a new sentence at the end to read as follows:

§ 19.6 Deposits, withdrawals, blanket permits to withdraw and sealing requirements.

(a)(1) *Deposit in warehouse.* * * * When merchandise is deposited in a proprietor's warehouse or is accepted and receipted for by a proprietor or his agent for transport to the proprietor's warehouse, the proprietor will be responsible for the quantity and condition of merchandise reflected on entry documentation adjusted by (i) any allowance made under part 158, subparts A and B, of this chapter by the district director, and (ii) any discrepancy report made jointly on the appropriate cartage documents as set forth in § 125.31 of this chapter by the warehouse proprietor and the bonded carrier or licensed cartman or lighterman delivering the goods to the warehouse, or an independent weigher, gauger, measurer, and signed by an authorized representative of the above within 15 calendar days after deposit. * * * If the proprietor of the bonded warehouse transports the goods to the warehouse, no discrepancy report shall be necessary.

* * * * *

3. The first sentence of § 19.12(a)(1) is revised to read as follows:

§ 19.12 Warehouse recordkeeping, storage and security requirements.

(a) * * *

(1) *Record transactions.* All merchandise collected by a proprietor or his agent for transport to his warehouse shall be receipted. All such merchandise and all merchandise entered, manipulated, manufactured, smelted, refined or removed from the bonded warehouse shall be recorded in the warehouse proprietor's accounting and inventory records by bond lot number. * * *

* * * * *

4. Section 19.44 is amended by adding a new paragraph (g) which reads as follows:

§ 19.44 Carrier responsibility.

* * * * *

(g) If a container station operator chooses to collect merchandise from within the boundaries of the district in which the container station is located and transport the merchandise to his container station, the container station operator must formally receipt for the merchandise at the time of collection, and he becomes liable under his bond for proper safekeeping of the merchandise at that time.

PART 112—CARRIERS, CARTMEN, AND LIGHTERMEN

1. The general authority citation for part 112 continues to read as follows:

Authority: 19 U.S.C. 66, 1551, 1565, 1623, 1624.

2. The first sentence of § 112.0 is revised to read as follows:

§ 112.0 Scope.

This part sets forth regulations providing for the bonding of carriers which will receive merchandise for transportation in bond, the licensing of cartmen and lightermen, and the procedures for applying for such bonds and licenses. * * *

3. Section 112.2(b) is revised to read as follows:

§ 112.2 Bond or license required.

* * * * *

(b) *Cartmen and lightermen.*—(1) *Necessity for bond.* A bond, as provided for in this part, is required to transact business as a cartman or lighterman. The cartage or lighterage of merchandise designated for examination, entered for warehouse, taken to container stations or centralized examination stations, taken into custody as unclaimed or destined for admission to a foreign trade zone may be done under the bond of a cartman or lighterman who is licensed pursuant to the provisions of this part or that of a bonded carrier, as provided for in paragraph (a) of this section. Foreign trade zone operators, bonded warehouse proprietors, container station operators and centralized examination station operators may engage in limited cartage or lighterage under their respective bonds. A foreign trade zone operator may engage in cartage or lighterage under his bond only for merchandise destined for his foreign trade zone and may also transport merchandise to his zone from anywhere within the district boundaries where the foreign trade zone is located. A bonded warehouse proprietor may engage in cartage or lighterage under his bond only for merchandise destined for his bonded warehouse and may also transport merchandise to his warehouse from anywhere within the district boundaries where the bonded warehouse is located. A container station operator may engage in cartage or lighterage under his bond only for merchandise destined for his container station and may also transport merchandise to his container station from anywhere within the district boundaries where the container station is located. A centralized examination station operator may engage in cartage or lighterage under his bond only for merchandise destined for his centralized examination station and may also transport merchandise to his centralized examination station from anywhere within the district boundaries where the centralized examination station is located.

(2) *Necessity for license.* A license, as provided for in this part, is required to transact business as a cartman or

lighterman for the cartage or lighterage of merchandise. Bonded carriers may engage in cartage and lighterage under their bonds without obtaining a license. Foreign trade zone operators, bonded warehouse proprietors, container station operators and centralized examination station operators may engage, under their bonds, in the limited cartage and lighterage and other transportation described in this paragraph without obtaining a license.

4. Section 112.21 is revised to read as follows:

§ 112.21 License required.

A customhouse cartage or lighterage license issued by the district director in accordance with this part or specific authorization of the Commissioner of Customs shall be required to perform Customs cartage or lighterage, except as provided in §§ 18.3 and 125.12 of this chapter or, as provided in § 112.2(b), when such merchandise is to be transported under the bond of the foreign trade zone operator, bonded warehouse proprietor, centralized examination station operator, container station operator, or a bonded carrier.

5. Section 112.25 is revised to read as follows:

§ 112.25 Bonded carriers.

A carrier or freight forwarder who has filed a bond on Customs Form 301 containing the bond conditions set forth in § 113.63 of this chapter may transport merchandise within a port for which the bond provides coverage.

PART 113—CUSTOMS BONDS

1. The general authority citation for part 113 continues to read as follows:

Authority: 19 U.S.C. 66, 1623, 1624.

2. Section 113.63(a)(1) is revised to read as follows:

§ 113.63 Basic custodial bond conditions.

* * * * *

(a) *Receipt of merchandise.* The principal agrees:

(1) To operate as a custodian of any bonded merchandise received, including merchandise collected for transport to his facility, and to comply with all regulations regarding the receipt, carriage, safekeeping, and disposition of such merchandise;

* * * * *

3. Section 113.73(a)(1) is revised to read as follows:

§ 113.73 Foreign trade zone operator bond conditions.

* * * * *

(a) *Receipt, Handling, and Disposition of Merchandise.* The principal agrees to comply with:

(1) The law and Customs Regulations relating to the receipt (including merchandise received and receipted for transport to his zone), admission, status, handling, transfer, and removal of merchandise from the foreign trade zone or subzone, and

* * * * *

PART 118—CENTRALIZED EXAMINATION STATIONS

1. The general authority citation for part 118 continues to read as follows:

Authority: 19 U.S.C. 66, 1499, 1623, 1624.

2. Section 118.4 is amended by revising paragraph (g) and by adding a new paragraph (l) to read as follows:

§ 118.4 Responsibilities of a CES operator.

* * * * *

(g) Maintain a Customs custodial bond in an amount set by the district director. The bond will include liability for transporting merchandise to the CES from within the district boundaries; such liability is assumed by the CES operator when he picks up merchandise for transportation to his facility. The operator also agrees to increase the amount of the bond if deemed appropriate by the district director.

* * * * *

(l) Provide transportation for merchandise to the CES from within the district boundaries. This responsibility is optional. If the CES operator chooses to provide transportation, he shall receipt for the merchandise when he picks it up and assume liability for the merchandise at that time.

PART 125—CARTAGE AND LIGHTERAGE OF MERCHANDISE

1. The authority citation for part 125 continues to read as follows:

Authority: 19 U.S.C. 66, 1565, and 1624.

Section 125.31 also issued under 5 U.S.C. 301; 19 U.S.C. 1311, 1312, 1484, 1555, 1556, 1557, 1623, and 1646a.

Section 125.32 also issued under 5 U.S.C. 301; 19 U.S.C. 1484.

Section 125.33 also issued under 19 U.S.C. 1311, 1312, 1555, 1556, 1557, 1623, and 1646a.

Sections 125.41 and 125.42 also issued under 19 U.S.C. 1623.

2. Section 125.0 is revised to read as follows:

§ 125.0 Scope.

This part is concerned with cartage and lighterage of merchandise and the duties and liabilities of cartmen and lightermen, as well as those parties authorized in § 112.2(b) to engage in cartage. Provisions for licensing cartmen and lightermen are in part 112 of this chapter.

3. Section 125.1 is revised to read as follows:

§ 125.1 Classes of cartage.

(a) *Government cartage.* Government cartage must be done by a licensed customhouse cartman or other bonded carrier as provided in § 112.2 of this chapter under contract or other specific authority for that purpose (except as provided for in § 125.12). All government cartage must be contracted for using the procedures specified in § 125.3.

(b) *Importers' cartage.* Importers' cartage may be done by any licensed customhouse cartman or other bonded carrier as provided in § 112.2 of this chapter.

§ 125.11 [Amended]

4. Section 125.11(a) is amended by adding the words "or a bonded carrier" between the words "cartman" and "under".

5. Section 125.11(b) is amended by adding the words "or a bonded carrier" between the words "cartman" and "designated".

6. Section 125.21 is revised to read as follows:

§ 125.21 Cartage other than for examination.

Any licensed customhouse cartman, including an importer licensed to cart his own imported merchandise and a bonded carrier provided for in § 112.2 of this chapter, at the expense of the importer or other party in interest, may transfer merchandise from the importing vessel or other conveyance to a bonded warehouse, from one vessel or conveyance to another, from one bonded warehouse to another, from the public stores to a bonded warehouse, from warehouse for transportation or for exportation, and from an internal revenue warehouse for exportation under the internal revenue laws without payment of tax. Foreign trade zone operators, bonded warehouse proprietors, container station operators and centralized examination station operators may engage in limited cartage or lighterage under the conditions specified in § 112.2 of this chapter. Nothing in this section shall apply to the cartage of examination packages to the place of examination.

7. Section 125.22 is revised to read as follows:

§ 125.22 Designation of cartman or lighterman, or other bonded carrier.

Importers and exporters shall designate on the entry and permit of bonded merchandise the bonded cartman, lighterman, or other bonded carrier as provided in § 112.2 of this chapter by whom they wish their merchandise to be conveyed. An importer also may designate a foreign trade zone operator, bonded warehouse proprietor, container station operator or centralized examination station operator under the conditions specified in § 112.2 of this chapter for limited cartage; if he does so, the importer must also designate that the merchandise is bound for the facility run by the operator he designates. Approval of a designation shall be indicated on the entry papers by the initials of the appropriate Customs officer placed in close proximity to the designation.

8. Section 125.23 is revised to read as follows:

§ 125.23 Failure to designate.

If an importer does not cart his merchandise or designate a licensed customhouse cartman, other bonded carrier, foreign trade zone operator, bonded warehouse proprietor, container station operator or centralized examination station operator, as provided for in § 112.2 of this chapter, for the purpose, it shall be carted by a bonded carrier or by a public store cartman authorized by contract or designated by the district director for that purpose. The cost of such cartage shall be paid by the importer of the merchandise before its release from Customs custody.

9. Section 125.24 is revised to read as follows:

§ 125.24 Failure of designated cartman, lighterman or other bonded carrier to appear.

The cartman, lighterman, other bonded carrier, foreign trade zone operator, bonded warehouse proprietor, container station operator or centralized examination station operator designated to convey the merchandise shall be present to take the merchandise when the Customs officer in charge is ready to send it. If the designated vehicle or lighter is not present, after waiting a reasonable time, such officer shall send the merchandise by any available licensed cartman, lighterman, or qualifying bonded carrier.

10. Section 125.32 is revised to read as follows:

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

When merchandise is carried, carted or lightered to and received in a bonded store or bonded warehouse, the proprietor or his representative shall check the goods against the accompanying delivery ticket, Customs Form 6043, or copy of the permit, Customs Form 7501, and countersign the document acknowledging receipt of the merchandise as listed thereon. If the proprietor or his agent has been designated to carry the merchandise to his own bonded warehouse, he shall check the goods against the accompanying delivery ticket, Customs Form 6043, or copy of the permit, Customs Form 7501, at the time he picks up the cargo. Receipt of merchandise by a bonded warehouse proprietor for the purpose of transportation to his own warehouse constitutes receipt into a bonded warehouse.

11. The first sentence of § 125.33(a) is revised to read as follows:

§ 125.33 Procedure on receiving merchandise.

(a) *From public or bonded store.* A receipt shall be taken from the cartman, lighterman or bonded carrier for all goods delivered to him from public store or bonded store. * * *

* * * * *

12. Section 125.34 is amended by revising the first sentence to read as follows:

§ 125.34 Countersigning of documents and notation of bad order or discrepancy.

When a cartman, lighterman, other bonded carrier, foreign trade zone operator, bonded warehouse proprietor, container station operator or centralized examination station operator, as provided for in § 112.2, receives merchandise remaining in Customs custody, he shall countersign the appropriate document in the space provided and shall note thereon any bad order or discrepancy. * * *

13. Section 125.35 is revised to read as follows:

§ 125.35 Report of loss, detention, or accident.

Any loss or detention of bonded merchandise, or any accident happening to a vehicle or lighter while carrying bonded merchandise shall be immediately reported by the cartman, lighterman, qualified bonded carrier, foreign trade zone operator, bonded warehouse proprietor, container station operator or centralized examination station operator to the district director.

§ 125.36 [Amended]

14. Section 125.36 is amended by adding the words "or bonded carrier" between the words "cartman" and "shall" in the first sentence.

15. Section 125.41 is revised to read as follows:

§ 125.41 Liability for cartage.

(a) *Liability of cartman, lighterman or bonded carrier.* The cartman, lighterman, or bonded carrier conveying the merchandise, including merchandise covered by a TIR carnet which has not been "taken on charge" (see § 114.22(c)(2) of this chapter), shall be liable under his bond for its prompt delivery in sound condition, or in no worse than the damaged condition noted on the delivery ticket, if damage is so noted.

(b) *Liability of foreign trade zone operator, bonded warehouse proprietor, container station operator or centralized examination station operator.* A foreign trade zone operator, bonded warehouse proprietor, container station operator or centralized examination station operator who picks up merchandise including merchandise covered by a TIR carnet which has not been "taken on charge", to transport the merchandise to his own facility shall be liable under his bond for the merchandise as soon as he collects the merchandise. The merchandise must be receipted as soon as it is picked up and must be delivered to either the respective foreign trade zone, bonded warehouse, container station or centralized examination station promptly after it is picked up in sound condition, or in no worse than the damaged condition noted on the delivery ticket, if damage is noted.

16. Section 125.42 is amended by revising the first sentence to read as follows:

§ 125.42 Cancellation of liability.

The district director may cancel liquidated damages not in excess of $100,000 incurred under the bond of the foreign trade zone operator, containing the bond conditions set forth in § 113.73 of this chapter, or under the bond of the cartman, lighterman, bonded carrier, bonded warehouse proprietor, container station operator or centralized examination station operator on Customs Form 301, containing the bond conditions set forth in § 113.63 of this chapter, upon the payment of such lesser amount, or without the payment of any amount, as the district director may deem appropriate under the circumstances. * * *

PART 146—FOREIGN TRADE ZONES

1. The general authority citation for part 146 continues to read as follows:

Authority: 19 U.S.C. 66, 81a-81u, 1202 (General Note 17, Harmonized Tariff Schedule of the United States), 1623, 1624.

* * * * *

2. Section 146.4(h) is amended by adding two additional sentences, to read as follows:

§ 146.4 Operator responsibility and supervision.

* * * * *

(h) * * * If the operator elects to transfer merchandise from within the district boundaries to his zone, he shall receipt for the merchandise at the time he picks it up for transportation to his facility. He becomes liable for the merchandise at that time.

3. Section 146.40 is amended by redesignating paragraph (b) as paragraph (c) and by adding a new paragraph (b) to read as follows:

§ 146.40 Operator responsibilities for direct deliveries.

* * * * *

(b) *Transportation by operator.* If merchandise is transported to a subzone or zone site by the foreign trade zone operator from a location in the district in which the subzone or zone site is situated, the merchandise is deemed admitted at the time the foreign trade zone operator picks it up. At the time of pick-up, the operator is responsible for:

(1) Receipting for the merchandise and recording on the appropriate document any discrepancies regarding quantity, condition or the status of the seals;

(2) Transporting the merchandise to the zone or subzone; and

(3) Ensuring that the zone records reflect that the merchandise is received in the zone.

* * * * *

4. Section 146.66 (a) is amended by revising the first sentence to read as follows:

§ 146.66 Transfer of merchandise from one zone to another.

(a) *At the same port.* A transfer of merchandise to another zone with a different operator at the same port (including a consolidated port) will be by a licensed cartman or a bonded carrier as provided for in § 112.2(b) of this chapter or by the operator of the zone for which the merchandise is destined under an entry for immediate transportation on Customs Form 7512 or other appropriate form with a Customs Form 214 filed at the destination zone. * * *

* * * * *

PART 178—APPROVAL OF INFORMATION COLLECTION REQUIREMENTS

1. The authority for part 178 continues to read as follows:

Authority: 5 U.S.C. 301, 19 U.S.C. 1624, 44 U.S.C. 3501 *et seq.*

§ 178.2 [Amended]

2. Section 178.2 is amended by adding the following in the appropriate numerical sequence according to the section number under the columns indicated:

19 CFR section	Description	OMB control number
*	*	*
§§ 125.22, 125.33, 125.34, 125.35.	Authorization of Bonded Carriers to Transport Cargo Within Port Limits Without Obtaining Cartman's License.	1515–0193
*	*	*

Approved: October 5, 1994.

Samuel H. Banks,

Acting Commissioner of Customs.

John W. Mangels,

Acting Deputy Assistant Secretary of the Treasury.

[FR Doc. 94-25152 Filed 10-11-94; 8:45 am]

BILLING CODE 4820-02-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Halofuginone Hydrobromide

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect the approval of a supplemental new animal drug application (NADA) filed by Roussel-Uclaf. The supplemental NADA provides for use of halofuginone hydrobromide (Stenorol) in the feed of replacement cage laying chickens and replacement broiler breeder chickens for the prevention of coccidiosis.

EFFECTIVE DATE: October 12, 1994.

FOR FURTHER INFORMATION CONTACT: Melanie R. Berson, Center For Veterinary Medicine (HFV–135), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–1643.

SUPPLEMENTARY INFORMATION: Roussel-Uclaf, Division Agro-Veterinaire, 163 Avenue Gambetta, 75020, Paris, France, is the sponsor of NADA 130–951, represented by Hoechst-Roussel Agri-Vet Co., P.O. Box 2500, Rt. 202–206, Somerville, NJ 08876–1258. The NADA provides for use of halofuginone hydrobromide (Stenorol) Type A medicated article to make Type C medicated broiler feed used for the prevention of coccidiosis. The sponsor filed a supplemental application which provides for the use of 2.72 grams per ton (3 parts per million) halofuginone hydrobromide for replacement cage layers and replacement broiler breeders for the prevention of coccidiosis. The supplemental NADA is approved as of October 12, 1994 and the regulations are amended in 21 CFR 558.265(c) to reflect the approval. The basis for approval is discussed in the freedom of information summary.

This approval is for use of a Type A medicated article to make a Type C medicated feed. Halofuginone hydrobromide is a Category II drug that, as provided in 21 CFR 558.4, requires an approved form FDA 1900 for making a Type C medicated feed. Therefore, use of a halofuginone hydrobromide Type A article to make a Type C medicated feed as in NADA 130–951, as supplemented, requires an approved form FDA 1900.

In accordance with the freedom of information provisions of part 20 (21 CFR part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

Under section 512(c)(2)(F)(iii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(c)(2)(F)(iii)), the approval of this supplemental application qualifies for 3 years of marketing exclusivity beginning October 12, 1994 because the supplemental application contains reports of new clinical or field investigations (other than bioequivalence or residue studies) or human food safety studies (other than bioequivalence or residue studies) essential to the approval of the supplemental application and conducted or sponsored by the applicant.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch