[FRL 412-1; PP4F1492/R44]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Hexakis (2-Methyl-2-Phenylpropyl) Distannoxane

On May 28, 1974, notice was given (39 FR 18505) that Shell Chemical Co., Suite 300, 1700 K St., NW, Washington DC 20006 had filed a pesticide petition (PP 4F1492) with the Environmental Protection Agency (EPA). This petition proposed the establishment of a tolerance for residues of the insecticide hexakis (2-methyl-2-phenylpropyl) distannoxane in or on the raw agricultural commodities apples, pears, and citrus fruits at 4 parts per million (ppm).

Shell filed the petition under the name hexakis (betadimethylphenethyl) distannoxane; the accepted name is hexakis (2-methyl-2-phenylpropyl) distannoxane.

The Shell Chemical Company subsequently amended the petition by including the organotin metabolite of hexakis (2-methyl-2-phenylpropyl) distannoxane in the tolerance request and added a proposal for a tolerance of 0.3 ppm for residues of the insecticide in the liver and kidney of cattle, goats, hogs, horses, and sheep.

(A document concerning hexakis and the establishment of a feed additive tolerance also appears in today's FEDERAL REGISTER at page 33033).

The data submitted in the petition and other relevant material have been evaluated, and the pesticide is considered to be useful for the purpose for which the tolerances are sought. No residues are likely to occur in milk, eggs, poultry, and meat (except kidney and liver), fat, and meat byproducts of livestock from the proposed use, and Section 180.6(a)(3) applies. The tolerances established by this regulation will cover residues of the insecticide that will result in the liver and kidney of cattle, goats, hogs, horses, and sheep, and it has been concluded that the tolerances will protect the public health.

Any person adversely affected by this regulation may, on or before September 5, 1975, file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M Street, SW, East Tower, Room 1019, Washington DC 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on August 6, 1975 Part 180, Subpart C, is amended by adding § 180.362 as set forth below.

Dated: July 30, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

(Sec. 408(d)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)(1)))

§ 180.362 Hexakis (2-methyl-2-phenylpropyl) distannoxane; tolerances for residues.

Tolerances are established for residues of hexakis (2-methyl-2-phenylpropyl) distannoxane and its organotin metabolite calculated as hexakis (2-methyl-2-phenylpropyl) distannoxane in or on raw agricultural commodities as follows:

4 parts per million in or on apples, citrus fruits, and pears.

0.3 part per million in liver and kidney of cattle, goats, hogs, horses, and sheep.

[FR Doc.75-20383 Filed 8-5-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

[FPMR Amdt. E-165]

PART 101-26—PROCUREMENT SOURCES AND PROGRAMS

Improved Federal Supply Schedules Program

Correction

In FR Doc. 75-19378 appearing at page 31223, in the issue for Friday, July 25, 1975, the effective date should read, "This regulation is effective on July 25, 1975."

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 235—ADMINISTRATION OF FINANCIAL ASSISTANCE PROGRAMS

Certification of Receipt of AFDC

Part 235 of Chapter II, Title 45 of the Code of Federal Regulations is amended by adding a new § 235.40 to implement a requirement under section 401 of Pub. L. 94-12, the Tax Reduction Act of 1975.

Section 401 of Pub. L. 94-12 provides for a Federal Welfare Recipient Employment Incentive Tax Credit for business and nonbusiness employers who hire AFDC recipients who, in addition to other conditions specified in the law, have been certified by the appropriate State or local agency as being eligible for financial assistance under the AFDC program and as having continuously received such financial assistance during the 90 days immediately preceding the date on which the individual is hired by the employer. The provision is applicable only to wages paid or earned between March 29, 1975, and June 30, 1976. The regulations in the new § 235.40 provide for such certification of AFDC recipients to employers for purposes of claiming the tax credit.

Proposed rulemaking procedures have been dispensed with because of the need to have regulations in effect which comport with the March 29, 1975 effective date of the law and because of the limited time period during which these provisions will remain in effect. However, consideration will be given to written comments, suggestions, or objections thereto addressed to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, P.O. Box 2382, Washington, D.C. 20013, and received on or before September 5, 1975.

Such comments will be available for public inspection in Room 5225 of the Department's offices at 330 C Street, SW., Washington, D.C., beginning approximately August 20, 1975, on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (area code 202-245-0950) and will be given the same consideration they would receive if this were a notice of proposed rulemaking.

Part 235 of Chapter II, Title 45 of the Code of Federal Regulations is amended by adding a new § 235.40, as set forth below:

§ 235.40 Certification of AFDC recipients for employment incentive tax credit.

(a) Upon the request of the employer of any individual who is hired and receives wages for services performed after March 28, 1975, and before July 1, 1976, the State or local welfare agency shall, if such individual was eligible for, and was continuously receiving, financial assistance under an approved State AFDC plan during the 90-day period immediately preceding the date on which he was hired by such employer, so certify. Such certification shall be made only for purposes of an employer claiming a Federal welfare recipient employment incentive tax credit under Section 401 of Pub. L. 94-12, the Tax Reduction Act of 1975.

(b) The provisions of this section are applicable to both business and nonbusiness employers.

(c) The State agency shall make such reports in such form and containing such information as the Secretary may require.

Effective date: The regulations in this section are effective on March 29, 1975, and expire on June 30, 1976.

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302).)
(Catalog of Federal Domestic Assistance Program No. 13.761, Public Assistance-Maintenance Assistance (State Aid).)

Dated: July 1, 1975.

JOHN A. SVAHN,
Acting Administrator, Social and Rehabilitation Service.

Approved: July 25, 1975.

CASPAR W. WEINBERGER,
Secretary.

[FR Doc.75-20327 Filed 8-5-75;8:45 am]

PART 250—ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAMS

Utilization Review; Deferral of Effective Date of Regulations

Cross reference: For a document deferring the effective date of regulations codified in this part, see FR Doc. 75–20473 in the rules section, supra.

Title 49—Transportation

CHAPTER I—DEPARTMENT OF TRANSPORTATION

PART 173—SHIPPERS

Shippers and Carriers of Hazardous Materials

Cross reference: For a document notifying shippers of hazardous materials of the applicable regulations codified in this part, see FR Doc. 75–20466 in the notices section.

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 73–20; Notice 6]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Fuel System Integrity

This notice amends Standard No. 301, *Fuel System Integrity* (49 CFR 571.301), to specify new loading conditions and to establish a 30-minute fuel spillage measurement period following barrier crash tests.

On April 16, 1975, the NHTSA published a notice (40 FR 17036) proposing a revision of the loading conditions and fuel spillage measurement period requirement in Standard 301. The NHTSA also proposed in that notice an extension of the applicability of Standard 301 to school buses with a GVWR in excess of 10,000 pounds. At the request of several Members of Congress, the due date for comments on the school bus proposal was extended to June 26, 1975, and final rulemaking action on it will appear in a later FEDERAL REGISTER notice.

It was proposed that the current 15-minute fuel spillage measurement period be extended to 30 minutes in order to allow more time for leaks to be located and rates of flow to be established. Measurement of fuel loss during only a 15 minute time period is difficult because fuel may be escaping from various parts of the vehicle where it is not readily detectable. Chrysler, American Motors, and General Motors objected to the proposed change and asked that it either not be adopted or that adoption be delayed for one year until September 1, 1976.

The commenters argued that the revision was unnecessary and would involve a change in their testing methods. The NHTSA has fully considered these arguments and does not consider the amendment to prescribe a higher level of performance. It concludes that the 30-minute measurement period is necessary to achieve accurate measurement of fuel loss and assessment of vehicle compliance and accordingly amends Standard 301 to prescribe the longer period for measurement.

The April 16, 1975, notice also proposed a change in the Standard 301 loading conditions to specify that 50th percentile test dummies be placed in specified seating positions during the frontal and lateral barrier crash tests, and that they be restrained by means installed in the vehicle for protection at the particular seating position. Currently the standard requires (during the frontal and lateral barrier crash tests) ballast weight secured at the specified designated seating positions in vehicles not equipped with passive restraint systems. In vehicles equipped with passive restraints, 50th percentile test dummies are to be placed in the specified seating positions during testing.

In petitions for reconsideration of this amendment to Standard No. 301 (39 FR 40857) various motor vehicle manufacturers stated that attachment of such ballast weight to the vehicle floor pans during the barrier crashes would exert unrealistic stresses on the vehicle structure which would not exist in an actual crash. The NHTSA found merit in petitioners' arguments, and its proposed revision of the loading conditions is intended to make the crash tests more representative of real-life situations.

Only Mazda objected to the proposal. It argued that curb weight be prescribed as the loading condition so that it could conduct Standard 301 compliance testing concurrently with testing for Standards No. 212 and 204. The NHTSA does not find merit in Mazda's request as the Standard 301 loading condition is considered necessary to assure an adequate level of fuel system integrity. Since the proposed loading conditions are more stringent than a curb weight condition, manufacturers could conduct compliance testing for Standards 301, 212, and 204 simultaneously. If the vehicle complied with the requirements of Standards 212 and 204 when loaded according to 301 specifications, the manufacturer presumably could certify the capability of the vehicles to comply with the performance requirements of 212 and 204 when loaded to curb weight. It should be noted that the NHTSA is considering amending Standards 212 and 204 to specify the same loading conditions as proposed for Standard 301.

All other commenters supported immediate adoption of the proposed loading conditions. Therefore, the NHTSA adopts the loading conditions as they were proposed in the April 16, 1975, notice.

In consideration of the foregoing, S5.5 and S7.1.6 of Motor Vehicle Safety Standard No. 301, *Fuel System Integrity* (49 CFR 571.301), are amended to read as follows:

§ 571.301 Standard No. 201, Fuel System Integrity.

* * * * *

S5.5 *Fuel spillage: Barrier Crash.* Fuel spillage in any fixed or moving barrier crash test shall not exceed 1 ounce by weight from impact until motion of the vehicle has ceased, and shall not exceed a total of 5 ounces by weight in the 5-minute period following cessation of motion. For the subsequent 25-minute period fuel spillage during any 1-minute interval shall not exceed 1 ounce by weight.

* * * * *

S7.1.6 The vehicle, including test devices and instrumentation, is loaded as follows:

(a) Except as specified in S7.1.1, a passenger car is loaded to its unloaded vehicle weight plus its rated cargo and luggage capacity weight, secured in the luggage area, plus the necessary test dummies as specified in S6, restrained only by means that are installed in the vehicle for protection at its seating position.

(b) Except as specified in S7.1.1, a multipurpose passenger vehicle, truck, or bus with a GVWR of 10,000 pounds or less is loaded to its unloaded vehicle weight, plus the necessary test dummies, as specified in S6., plus 300 pounds or its rated cargo and luggage capacity weight, whichever is less, secured to the vehicle and distributed so that the weight on each axle as measured at the tire-ground interface is in proportion to its GAWR. If the weight on any axle, when the vehicle is loaded to unloaded vehicle weight plus dummy weight, exceeds the axle's proportional share of the test weight, the remaining weight shall be placed so that the weight on that axle remains the same. Each dummy shall be restrained only by means that are installed in the vehicle for protection at its seating position.

* * * * *

Effective date: Because this amendment revises certain requirements that are part of 49 CFR 571.301–75, Motor Vehicle Safety Standard 301–75, effective September 1, 1975, and creates no additional burden upon any person, it is found for good cause shown that an effective date of less than 180 days after publication is in the public interest.

(Sec. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.51).

Issued August 1, 1975.

ROBERT L. CARTER,
Acting Administrator.

[FR Doc.75–20629 Filed 8–4–75;11:21 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

[S.O. No. 1216]

PART 1033—CAR SERVICE

Reading Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 31st day of July, 1975.

It appearing, That because of track and bridge damage resulting from flooding, the Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond, and John H. McArthur, Trustees (PC) is unable to operate over its line serving Lebanon, Pennsylvania; that shippers served by the PC at Lebanon are thereby deprived of railroad service, thus creating an emergency; that the Reading Company, Andrew L. Lewis, Jr., and Joseph L. Castle, Trustees (RDG) has agreed to operate over PC tracks in Lebanon, Pennsylvania, for the purpose of providing rail service to shippers located on such PC tracks; that there is need for the RDG to operate over PC tracks in Lebanon, Pennsylvania for the purpose of providing rail service to shippers located on such PC tracks in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1216 Service Order No. 1139.

(a) Reading Company, Andrew L. Lewis, Jr., and Joseph L. Castle, Trustees Authorized to operate over tracks of Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond and John H. McArthur, Trustees. The Reading Company, Andrew L. Lewis, Jr., and Joseph L. Castle, Trustees, (RDG) be, and it is hereby, authorized to operate over tracks of the Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond, and John H. McArthur, Trustees (PC) in Lebanon, Pennsylvania.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) *Rates applicable.* Inasmuch as this operation by the RDG over tracks of the PC is deemed to be due to carrier's disability, the rates applicable to traffic moved by the RDG over these tracks of the PC shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.* This order shall become effective at 12:01 a.m., August 1, 1975.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., February 29, 1976, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; (49 U.S.C. 1, 12, 15, and 17 (2)). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; (49 U.S.C. 1(10–17), 15(4), and 17(2)).)

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-20503 Filed 8-5-75;8:45 am]

proposed rules

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 4]

VESSELS IN FOREIGN AND DOMESTIC TRADES

Customs Forms Used in Connection With the Entry and Clearance of Vessels

Notice is hereby given that under the authority of R.S. 251, as amended (19 U.S.C. 66), and sections 431 and 624, 46 Stat. 710, as amended, 759 (19 U.S.C. 1431, 1624), it is proposed to amend various sections of Part 4 of the Customs Regulations (19 CFR Part 4), pertaining to Customs forms used in connection with the arrival and departure of vessels in foreign trade.

To further implement the Convention on Facilitation of International Maritime Traffic, the United States Customs Service proposes to substitute a standardized model cargo declaration form developed by the Intergovernmental Maritime Consultative Organization (IMCO), as modified by the International Chamber of Shipping (ICS), for the present "Inward Foreign Manifest" and "Outward Foreign Manifest" forms now in use.[1]

It has been determined that the ICS standard manifest, which incorporates the IMCO Cargo Declaration, with some modifications, when presented with the other forms mentioned in § 4.7(a), Customs Regulations, will comply with laws and regulations administrered by the United States Customs Service relating to inward cargo manifests. Further, it has been determined that the modified form complies with laws and regulations administered by the United States Customs Service relating to outward cargo manifests.

The proposed amendments would establish and provide for the use of Customs Form 1302, "Cargo Declaration", and Customs Form 1305, "Cargo Declaration (outward with commercial forms)", to replace Customs Form 1374, "Outward Foreign Manifest", and Customs Forms 7527–A and 7527–B, "Inward Foreign Manifest", which would be abolished. Certain procedural changes necessitated by the foregoing changes would also be made.

In addition, it is proposed to amend § 4.7(a) of the Customs Regulations to clarify that a "Master's Oath on Entry of Vessel in Foreign Trade", Customs Form 1300, is included with the manifest documents. Although the master's oath has always been a part of the manifest, the oath was inadvertently omitted from the manifest requirements when Part 4 of the Customs Regulations was amended by T.D. 71–169 to provide for the use of three other IMCO model forms (Customs Form 1301, "General Declaration", Customs Form 1303, "Ship's Stores Declaration", and Customs Form 1304, "Crew's Effects Declaration").

It is also proposed to amend § 4.84(c) of the Customs regulations to include current administrative procedures for United States vessels transporting merchandise from a port in the United States to any noncontiguous territory of the United States (including Puerto Rico), or from Puerto Rico to the United States or any other noncontiguous territory of the United States. Although the formal clearance requirements for such trade were eliminated pursuant to Pub. L. 87–826, effective April 13, 1963, the proposed amendment to this section will clarify this matter by setting forth the simplified procedures now followed relating to requests for permission for certain vessels to depart.

In addition, it is proposed to revise §§ 4.33 and 4.34 of the Customs Regulations to clarify the former provisions. No substantive changes have been made in the procedures described therein.

Accordingly, it is proposed to amend various sections of Part 4 of the Customs Regulations (19 CFR Part 4) in the following manner:

It is proposed to amend the sections as follows:

1. Paragraph (a) of § 4.7 is amended to read as follows:

§ 4.7 Inward manifest; production on demand; contents and form.

(a) The master of every vessel arriving in the United States and required to make entry shall have on board his vessel a manifest, as required by section 431, Tariff Act of 1930, as amended (19 U.S.C. 1431),[1] and by this section. The manifest shall be legible and complete. If it is in a foreign language, an English translation shall be furnished with the original and with any required copies. The manifest shall consist of a Master's Oath on Entry of Vessel in Foreign Trade, Customs Form 1300, a General Declaration, Customs Form 1301, and the following documents: (1) Cargo Declaration, Customs Form 1302, (2) Ship's Stores, Declaration, Customs Form 1303, (3) Crew's Effects Declaration, Customs Form 1304, or, optionally, a copy of the Crew List, Customs and Immigration Form I–418, to which are attached crewmember's declarations on Customs Form 5129, (4) Crew List, Customs and Immigration Form I–418, and (5) Passenger List, Customs and Immigration Form I–418. Any document which is not required may be omitted from the manifest provided the word "None" is inserted in items 17–22 of the General Declaration, as appropriate. If a vessel arrives in ballast and therefore the Cargo Declaration is omitted, the legend "No merchandise on board" shall be inserted in item 13 of the General Declaration.

2. It is proposed to amend the section heading, the first sentence, and paragraph (c) of § 4.7a to read as follows:

§ 4.7a Inward manifest; information required; alternative forms.

The forms designated by § 4.7(a) as comprising the inward manifest shall be completed as follows:

* * * * *

(c) *Cargo Declaration.* (1) The Cargo Declaration, Customs Form 1302, shall list all the inward foreign cargo on board regardless of the port of discharge. The block designated "Arrival" at the top of the form shall be checked. The goods described in column numbers 6, 7, and 8 shall refer to the respective bills of lading.

(2) When inward foreign cargo is being shipped by container, the number of the container and the number of the container seal shall be listed in column number 6. Information on each bill of lading in a container must be shown on the Cargo Declaration immediately following the information on the first-listed bill of lading in the container. Ditto marks may be used in column number 6 for the second and each subsequent bill of lading in the container in lieu of repeating the numbers in that column.

(3) For shipments of containerized or palletized cargo, Customs officers shall accept a Cargo Declaration which indicates that it has been prepared on the basis of information furnished by the shipper. The use of words of qualification shall not limit the responsibility of a master to submit accurate Cargo Declarations or qualify the oath taken by the master as to the accuracy of his declaration.

(i) If the Cargo Declaration covers only containerized or palletized cargo, the following statement may be placed on the declaration:

The information appearing on the declaration relating to the quantity and description of the cargo is in each instance based on the shipper's load and count. I have no knowledge or information which would lead me to believe or to suspect that the information furnished by the shipper is incomplete, inaccurate, or false in any way.

(ii) If the Cargo Declaration covers conventional cargo and containerized or palletized cargo, or both, the use of the abbreviation "SLAC" for "shipper's load and count," or an appropriate abbreviation if similar words are used, is approved, provided the abbreviation is

[1] Filed as part of the original.

placed next to each containerized or palletized shipment on the declaration and the following statement is placed on the declaration:

> The information appearing on this declaration relating to the quantity and description of cargo preceded by the abbreviation "SLAC" is in each instance based on the shipper's load and count. I have no information which would lead me to believe or to suspect that the information furnished by the shipper is incomplete, inaccurate, or false in any way.

(iii) The statements specified in subparagraphs (3)(i) and (3)(ii) of this paragraph shall be placed on the last page of the Cargo Declaration. Words similar to "the shipper's load and count" may be substituted for those words in the statements. Vague expressions such as "said to contain" or "accepted as containing" are not acceptable. The use of an asterisk or other character instead of appropriate abbreviations, such as "SLAC", is not acceptable.

3. Section 4.33 would be revised to read as follows:

§ 4.33 Diversion of cargo.

(a) *Unlading at other than original port of destination.* A vessel may unlade cargo or baggage at an alternative port of entry to the port of original destination if:

(1) It is compelled by any cause to put into the alternative port and the district director of the port issues a permit for the unlading of cargo or baggage; or

(2) As a result of an emergency existing at the port of destination, the district director authorizes the vessel to proceed in accordance with the residue cargo bond procedure to the alternative port. The owner or agent of the vessel shall apply for such authorization in writing, stating the reasons and agreeing to hold the district director and the Government harmless for the diversion.

(b) *Disposition of cargo or baggage at emergency port.* Cargo and baggage unladen at the alternative port under the circumstances set forth in paragraph (a) of this section may be:

(1) Entered in the same manner as other imported cargo or baggage;

(2) Treated as unclaimed and stored at the risk and expense of its owner; or

(3) Reladen upon the same vessel without entry, for transportation to its original destination.

(c) *Substitution of ports of discharge on manifest.* After entry, the Cargo Declaration, Customs Form 1302, of a vessel may be changed at any time to permit discharge of manifested cargo at any domestic port in lieu of any other port shown on the Cargo Declaration, if:

(1) A written application for the diversion is made on the amended Cargo Declaration by the master, owner, or agent of the vessel to the district director of the port where the vessel is located, after entry of the vessel at that port;

(2) An amended Cargo Declaration, under oath, covering the cargo which it is desired to divert, is furnished in support of the application and is filed in such number of copies as the district director shall require for local Customs purposes; and

(3) The certified traveling manifest is not altered or added to in any way by the master, owner, or agent of the vessel. When an application under paragraph (c)(1) of this section is approved, the district director shall securely attach an approved copy of the amended manifest to the traveling manifest and shall send one copy of the amended Cargo Declaration to the district director at the port where the vessel's bond was filed.

(d) *Retention of cargo on board for later return to the United States.* If, as the result of a strike or other emergency at a United States port for which inward foreign cargo is manifested, it is desired to retain the cargo on board the vessel for discharge at a foreign port but with the purpose of having the cargo returned to the United States, an application may be made by the master, owner, or agent of the vessel to amend the vessel's Cargo Declaration, Customs Form 1302, under a procedure similar to that described in paragraph (c) of this section, except that a foreign port shall be substituted for the domestic port of discharge. If the application is approved, it shall be handled in the same manner as an application filed under paragraph (c) of this section. However, before approving the application, the district director is authorized to require such bond as he deems necessary to insure that export control laws and regulations are not circumvented.

4. Section 4.34 paragraphs (a)-(g) would be revised to read as follows:

§ 4.34 Prematurely landed, overcarried, and undelivered cargo.

(a) *Prematurely landed cargo.* Upon receipt of a satisfactory written application from the owner or agent of a vessel establishing that cargo was prematurely landed and left behind by the importing vessel through error or emergency, the district director may permit inward foreign cargo remaining on the dock to be reladen on the next available vessel owned or chartered by the owner of the importing vessel for transportation to the destination shown on the Cargo Declaration, Customs Form 1302, of the first vessel, provided the importing vessel actually entered the port of destination of the prematurely landed cargo. Unless so forwarded within 30 days from the date of landing, the cargo shall be appropriately entered for Customs clearance or for forwarding in bond; otherwise, it shall be sent to general order as unclaimed. If the merchandise is so entered for Customs clearance at the port of unlading, or if it is so forwarded in bond, other than by the importing vessel or by another vessel owned or chartered by the owner of the importing vessel, representatives of the importing vessel shall file at the port of unlading a Cargo Declaration in duplicate listing the cargo. The district director shall retain the original and forward the duplicate to the district director at the originally intended port of discharge.

(b) *Overcarried cargo.* Upon receipt of a satisfactory written application by the owner or agent of a vessel establishing that cargo was not landed at its destination and was overcarried to another domestic port through error or emergency, the district director may permit the cargo to be returned in the importing vessel, or in another vessel owned or chartered by the owner of the importing vessel, to the destination shown on the Cargo Declaration, Customs Form 1302, of the importing vessel, provided the importing vessel actually entered the port of destination.[T5A]

(c) *Inaccessibly-stowed cargo.* Cargo so stowed as to be inaccessible upon arrival at destination may be retained on board, carried forward to another domestic port or ports, and returned to the port of destination in the importing vessel or in another vessel owned or chartered by the owner of the importing vessel in the same manner as other overcarried cargo.

(d) *Application for forwarding cargo.* When it is desired that prematurely landed cargo, overcarried cargo, or cargo so stowed as to be inaccessible, be forwarded to its destination by the importing vessel or by another vessel owned or chartered by the owner of the importing vessel in accordance with paragraph (a), (b), or (c) of this section, the required application shall be filed with the local district director at the port of premature landing or overcarriage by the owner or agent of the vessel. The application shall be supported by a Cargo Declaration, Customs Form 1302, in such number of copies as the district director may require. Whenever practicable, the application shall be made on the face of the Cargo Declaration below the description of the merchandise. The application shall specify the vessel on which the cargo was imported, even though the forwarding to destination is by another vessel owned or chartered by the owner of the importing vessel, and all ports of departure and dates of sailing of the importing vessel. The application shall be stamped and signed to show that it has been approved.

(e) *Manifesting prematurely landed or overcarried cargo.* One copy of the Cargo Declaration, Customs Form 1302, shall be certified by Customs for use as a substitute traveling manifest for the prematurely landed or overcarried cargo being forwarded as residue cargo, whether or not the forwarding vessel is also carrying other residue cargo. If the application for forwarding is made on the Cargo Declaration, the new substitute traveling manifest shall be stamped to show the approval of the application. If the application is on a separate document, a copy thereof, stamped to show its approval, shall be attached to the substitute traveling manifest. An appropriate cross-reference shall be placed on the original traveling manifest to show that the vessel has one or more substitute traveling manifests. A permit to proceed endorsed on a General Declaration, Customs Form 1301, issued to the vessel transporting the prematurely landed or overcarried cargo to its desti-

nation shall make reference to the nature of such cargo, identifying it with the importing vessel.

(f) *Residue cargo procedure.* A vessel with prematurely landed or overcarried cargo on board shall comply upon arrival at all domestic ports of call with all the requirements of Part 4 relating to foreign residue cargo for domestic ports. The substitute traveling manifest, carried forward from port to port by the oncarrying vessel, shall be finally surrendered at the port where the last portion of the prematurely landed or overcarried cargo is discharged.

(g) *Cargo undelivered at foreign port and returned to the United States.* Merchandise shipped from a domestic port, but undelivered at the foreign destination and returned, shall be manifested as "Undelivered—to be returned to original foreign destination," if such a return is intended. The district director may issue a permit to retain the merchandise on board, or he may, upon written application of the steamship company, issue a permit on a Delivery Ticket, Customs Form 6043, allowing the merchandise to be transferred to another vessel for return to the original foreign destination. No charge shall be made against the vessel bond. The items shall be remanifested outward and an explanatory reference of the attending circumstances and compliance with export requirements noted.

* * * * *

5. Paragraph (b) of § 4.38 would be revised to read as follows:

§ 4.38 Release of cargo.

* * * * *

(b) When packages of merchandise bear marks or numbers which differ from those appearing on the Cargo Declaration, Customs Form 1302, of the importing vessel for the same packages and the importer or a receiving bonded carrier, with the concurrence of the importing carrier, makes application for their release under such marks or numbers, either for consumption or for transportation in bond under an entry filed therefor at the port of discharge from the importing vessel, the district director may approve the application upon condition that (1) the contents of the packages be identified with an invoice or transportation entry as set forth below, and (2) the applicant furnish at his own expense any bonded cartage or lighterage service which the granting of the application may require. The application shall be in writing in such number of copies as may be required for local Customs purposes. Before permitting delivery of packages under such an application, the district director shall cause such examination thereof to be made as will reasonably identify the contents with the invoice filed with the consumption entry. If the merchandise is entered for transportation in bond without the filing of an invoice, such examination shall be made as will reasonably identify the contents of the packages with the transportation entry.

* * * * *

6. Paragraph (a) of § 4.41 would be revised to read as follows:

§ 4.41 Cargo of wrecked vessel.

(a) Any cargo landed from a vessel wrecked in the waters of the United States or on the high seas shall be subject at the port of entry to the same entry requirements and privileges as the cargo of a vessel regularly arriving in the foreign trade. In lieu of a Cargo Declaration, Customs Form 1302, to cover such cargo, the owner, underwriter (if the merchandise has been abandoned to him), or the salvor of the merchandise shall make written application for permission to enter the wrecked cargo, and any such applicant shall be regarded as the consignee of the merchandise for Customs purposes.[18]

* * * * *

7. Paragraph (b) (2) of § 4.61 would be to read as follows:

§ 4.61 Requirements for clearance.

* * * * *

(b) * * *

(2) Outward Cargo Declarations; shippers' export declarations (§ 4.63).

* * * * *

8. Section 4.62 would be revised to read as follows:

§ 4.62 Accounting for inward cargo.

Inward cargo discrepancies shall be accounted for and adjusted by correction of the Cargo Declaration, Customs Form 1302, but the vessel may be cleared and the adjustment deferred if the discharging officer's report has not been received. (See § 4.12)

9. Section 4.63 would be revised to read as follows:

§ 4.63 Outward Cargo Declaration; shippers' export declarations.

(a) No vessel shall be cleared directly for a foreign port, or for a foreign port by way of another domestic port or other domestic ports (see § 4.87(b)), unless there has been filed with the district director at the port from which clearance is being obtained (1) a Cargo Declaration, Customs Form 1302, or, in lieu thereof, a Cargo Declaration (outward with commercial forms), Customs Form 1305, covering all the cargo laden aboard the vessel at that port, together with a properly executed Master's Oath on Entry of Vessel in Foreign Trade, Customs Form 1300, and such export declarations as are required by pertinent regulations of the Bureau of the Census, Department of Commerce, or (2) an incomplete Cargo Declaration as provided for in § 4.75. The block designated "Departure" at the top of the Cargo Declaration shall be checked. Only items numbered 1 through 7 must be completed on the Cargo Declaration.

(b) Except as hereinafter stated, the number of the export declaration covering each shipment for which an authenticated export declaration is required shall be shown on the Cargo Declaration, Customs Form 1302 or 1305, in the marginal column headed "B/L No." If an export declaration is not required for a shipment, a notation shall be made on the Cargo Declaration describing the basis for the exemption with a reference to the number of the section in the Census Regulations (see §§ 30.39 and 30.50–30.57, title 15, Code of Federal Regulations) where the particular exemption is provided. Where shipments are exempt on the basis of value and destination, the appearance of the value and destination on a bill of lading or other commercial form is acceptable as evidence of the exemption and reference to the applicable section in the Census Regulations is not required.

(c) The list of cargo may be shown on bills of lading, cargo lists, or other commercial forms, provided that:

(1) The Cargo Declaration, Customs Form 1302 or 1305, is completely executed except for particulars as to cargo;

(2) The commercial forms are securely attached to the Cargo Declaration in such manner as to constitute one document;

(3) The commercial forms are incorporated by a suitable reference on the face of the Cargo Declaration such as "Cargo as per attached commercial forms;" and

(4) There is shown on the face of each such commercial form the information required by the Cargo Declaration for the cargo covered by that form.

(d) For each shipment to be exported under an entry or withdrawal for exportation or for transportation and exportation, the Cargo Declaration, Customs Form 1302 or 1305, or commercial document attached to the Cargo Declaration and made a part thereof in accordance with paragraph (c) of this section shall clearly show for such shipment the number, date, and class of such Customs entry or withdrawal (i.e., T. & E., Wd. T. & E., I.E., Wd. Ex., or Wd. T., as applicable) and the name of the port where the entry or withdrawal was filed if other than the port where the merchandise is laden for exportation.

(e) Customs officers shall accept a Cargo Declaration, Customs Form 1302 or 1305, covering containerized or palletized cargo which indicates by the use of appropriate words of qualification (see § 4.7 a(c)(3)) that the declaration has been prepared on the basis of information furnished by the shipper.

10. Section 4.75 would be revised to read as follows:

§ 4.75 Incomplete Cargo Declaration; incomplete export declarations; bond.

(a) If a master desiring to clear his vessel for a foreign port does not have available for filing with the district director a complete Cargo Declaration, Customs Form 1302 or 1305 (see § 4.63)[18a] or

all required shippers' export declarations,[107] the district director may accept in lieu thereof an incomplete manifest on the General Declaration, Customs Form 1301, if there is on file in his office a bond on Customs Form 7567 or Customs Form 7569 executed by the vessel owner or some other person as attorney in fact of the vessel owner. The legend, "This incomplete Cargo Declaration is filed in accordance with § 4.75, Customs Regulations," shall be inserted in item 16 of the General Declaration. The form shall be appropriately modified to indicate that it is an incomplete Cargo Declaration, and the Master's Oath on Entry of Vessel in Foreign Trade, Customs Form 1300, (see § 4.63(a)) shall be executed.

(b) Not later than the fourth business day after clearance [108] from each port in the vessel's itinerary, the master, or the vessel's agent on behalf of the master, shall deliver to the district director at each port a complete Cargo Declaration, Customs Form 1302 or 1305, in accordance with § 4.63, of the cargo laden at such port together with duplicate copies of all required shippers' export declarations for such cargo and a General Declaration, Customs Form 1301. The oath of the master or agent on the Master's Oath on Entry of Vessel in Foreign Trade, Customs Form 1300 (see § 4.63(a)) shall be properly executed before acceptance.

(c) During any period covered by a finding by the President under section 1 of the Act of June 15, 1917, as amended (50 U.S.C. 191), that the security of the United States is endangered by reason of actual or threatened war, or invasion, or insurrection, or subversive activity, or of disturbance or threatened disturbances of the international relations of the United States, no vessel shall be cleared for a foreign port until a complete Cargo Declaration, Customs Form 1302 or 1305 (see § 4.63), and all required export declarations have been filed with the district director, unless clearance in accordance with paragraphs (a) and (b) of this section is authorized by the Commissioner of Customs.[109]

11. Paragraph (e) of § 4.81 would be revised to read as follows:

§ 4.81 Reports of arrivals and departures in coastwise trade.

* * * * *

(e) Before any foreign vessel shall depart in ballast, or solely with articles to be transported in accordance with section 4.93, from any port in the United States for any other such port, the master shall apply to the district director for a permit to proceed by filing a General Declaration, Customs Form 1301, in duplicate. If a vessel is proceeding in ballast and therefore the Cargo Declaration, Customs Form 1302, is omitted, the word "None" shall be inserted in item 17 of the General Declaration and the words "No merchandise on board" shall be inserted in item 13 of the General Declaration. However, articles to be transported in accordance with § 4.93 shall be manifested on a Cargo Declaration, as required by § 4.93(c). Three copies of the Cargo Declaration shall be filed with the district director. The required master's oath shall be executed on the Master's Oath on Entry of Vessel in Foreign Trade, Customs Form 1300, (see § 4.63(a)). When the district director grants the permit by making an appropriate endorsement on the General Declaration, (see § 4.85(b)), the duplicate copy, together with two copies of the Cargo Declaration covering articles to be transported in accordance with § 4.93, shall be returned to the master. The traveling Crew's Effects Declaration, Customs Form 1304, and all unused crewmembers' declarations on Customs Form 5123 or Customs Form 5129 shall be placed in a sealed envelope addressed to the Customs boarding officer at the next intended domestic port and returned to the master for delivery. The master shall execute a receipt for all unused crewmembers' declarations which are returned to him. Within 24 hours after arrival at the next United States port the master shall report his arrival to the district director. He shall make entry within 48 hours by filing with the district director the permit to proceed on the General Declaration received at the previous port, a newly executed General Declaration, a Crew's Effects Declaration of all unentered articles acquired abroad by crewmembers which are still on board, a Ship's Stores Declaration, Customs Form 1303, in duplicate, of the stores remaining on board, both copies of the Cargo Declaration covering articles transported in accordance with § 4.93, and the document of the vessel. The required master's oath shall be executed on the Master's Oath on Entry of Vessel in Foreign Trade (see § 4.63(a)). The traveling Crew's Effects Declaration and all unused crewmembers' declarations on Customs Form 5123 or Customs Form 5129 returned at the prior port to the master shall be delivered by him to the boarding officer.

12. Section 4.82 would be revised to read as follows:

§ 4.82 Touching at foreign port while in coastwise trade.

(a) A vessel under unlimited register or frontier enrollment and license which, during a voyage between ports in the United States, touches at one or more foreign ports and there discharges or takes on merchandise, passengers, baggage, or mail [110] shall obtain a permit to proceed or clearance at each port of lading in the United States for the foreign port or ports at which it is intended to touch. The Cargo Declaration, Customs Form 1302 or 1305 (see § 4.63), shall show only the cargo for foreign destination. (See §§ 4.61 and 4.87.)

(b) The master shall also present to the district director a coastwise Cargo Declaration, Customs Form 1302, in triplicate, of the merchandise to be transported via the foreign port or ports to the subsequent ports in the United States. It shall describe the merchandise and show the marks and numbers of the packages, the names of the shippers and consignees, and the destinations. The district director shall certify the two copies and return them to the master. Merchandise carried by the vessel in bond under a Transportation Entry and Manifest, Customs Form 7512, shall not be shown on the coastwise Cargo Declaration.

(c) Upon arrival from the foreign port or ports at the subsequent port in the United States, a report of arrival and entry of the vessel shall be made, and tonnage taxes shall be paid unless the vessel is under a frontier enrollment and license. The master shall present a Cargo Declaration in accordance with § 4.7 and the certified copies of the coastwise Cargo Declaration, Customs Form 1302.

(d) All merchandise on the vessel upon its arrival at the subsequent port in the United States is subject to such Customs examination and treatment as may be necessary to protect the revenue. Any article on board which is not identified to the satisfaction of the district director, by the Coastwise Cargo Declaration, Customs Form 1302, or otherwise, as part of the coastwise cargo, shall be treated as imported merchandise.[111]

13. Paragraphs (c) and (d) of § 4.84 would be revised to read as follows:

§ 4.84 Trade with noncontiguous territory.

* * * * *

(c) A vessel which is not required to clear but which is transporting merchandise from a port in any State or the District of Columbia to any noncontiguous territory of the United States (including Puerto Rico), or from Puerto Rico to any State or the District of Columbia or any other noncontiguous territory of the United States, shall not be permitted to depart without filing a complete Cargo Declaration, Customs Form 1302, when required by regulations of the Bureau of the Census (15 CFR Part 30), and all required shipper's export declarations, unless before the vessel departs an approved bond is filed for the timely production of the required documents, as specified in § 30.24 of those regulations (15 CFR 30.24). Requests for permission to depart may be written or oral and permission to depart shall be granted orally by the appropriate Customs officer. However, if the request is to depart prior to the filing of the required manifest and export declarations, permission shall not be granted unless the appropriate bond is on file. In the latter case, the Customs officer shall keep a simplified record of the necessary information in order to assure that the manifest and export declarations are filed within the required time period. The Master's Oath on Entry of Vessel in Foreign Trade, Customs Form 1300 (see § 4.63(a)), required at the time of clearance is not required to be taken to obtain permission to depart.

(d) Upon arrival of a vessel of the United States at a port in any State, the District of Columbia, or Puerto Rico from a port in noncontiguous territory of the United States other than Puerto Rico, the master shall report its arrival within 24 hours and shall prepare, produce, and file a Cargo Declaration in the form and manner and at the times specified in §§ 4.7 and 4.9, but shall not be required to make entry. If the vessel proceeds directly to another port in any State, the District of Columbia, or Puerto Rico, the master shall prepare, produce, and file a Cargo Declaration in the form and manner and at the times specified in § 4.85, but no permit to proceed on the General Declaration, Customs Form 1301, shall be required for the purposes of this paragraph. No cargo shall be unladen from any such vessel until Cargo Declarations have been filed and a permit to unlade has been issued in accordance with the procedure specified in § 4.30.

* * * * *

14. Paragraph (c) of § 4.85 would be revised to read as follows:

§ 4.85 Vessels with residue cargo for domestic ports.

* * * * *

(c) Upon the arrival of a vessel at the next and each succeeding domestic port with inward foreign cargo or passengers still on board, the master shall report arrival and make entry within 24 hours. To make such entry, he shall deliver to the district director the vessel's document, the permit to proceed (Customs Form 1301 endorsed in accordance with paragraph (b) of this section), the traveling manifest, and the traveling Crew's Effects Declaration, Customs Form 1304, together with the crewmembers' declarations received on departure from the previous port. The master shall also present an abstract manifest consisting of (1) a newly executed General Declaration, Customs Form 1301, (2) a Cargo Declaration, Customs Form 1302, and a Passenger List, Customs and Immigration Form I–418, in such number of copies as may be required for local Customs purposes, of any cargo or passengers on board manifested for discharge at that port, (3) a Crew's Effects Declaration in duplicate of all unentered articles acquired abroad by officers and crewmembers which are still on board, (4) a Ship's Stores Declaration, Customs Form 1303, in duplicate, of the sea or ship's stores remaining on board, and (5) if applicable, the Cargo Declaration required by § 4.86(b). If no inward foreign cargo or passengers are to be discharged, the Cargo Declaration or Passenger List may be omitted from the abstract manifest, and the following legend shall be placed in item 12 of the General Declaration:

Vessel on an inward foreign voyage with residue cargo/passenger for ----------
No cargo or passengers for discharge at this port.

The required master's oath shall be executed on the Master's Oath on Entry of Vessel in Foreign Trade, Customs Form 1300 (see § 4.63(a)). The traveling manifest, together with a copy of the newly executed General Declaration, shall serve the purpose of a copy of an abstract manifest at the port where it is finally surrendered.

15. Section 4.86 would be revised to read as follows:

§ 4.86 Intercoastal residue cargo procedure; optional ports.

(a) When a vessel arrives at an Atlantic or Pacific coast port from a foreign port or ports with residue cargo for delivery at a port or ports on the opposite coast or on the Great Lakes, or where such arrival is at a port on the Great Lakes, with residue cargo for delivery at a port or ports on the Atlantic or Pacific coast, or both, and the master, owner, or agent is unable at that time to designate the specific port or ports of discharge of the residue cargo, the Cargo Declaration, Customs Form 1302, filed on entry in accordance with § 4.7(b), shall show such cargo as destined for "optional ports, Atlantic coast," or, "optional ports, Pacific coast," or, "optional ports, Great Lakes coast," as the case may be. The traveling manifest shall be similarly noted.

(b) Upon arrival of the vessel at the first port on the next coast, the master, owner, or agent shall designate the port or ports of discharge of residue cargo, as required by section 431, Tariff Act of 1930, as amended (19 U.S.C. 1431). For this purpose, the master shall furnish with the other papers required upon entry a Cargo Declaration, Customs Form 1302, in an original only, of the inward foreign cargo remaining on board for discharge at optional ports on that coast, and the Cargo Declaration shall designate the specific ports of intended discharge for that cargo. The traveling manifest shall be amended to agree with that Cargo Declaration so as to show the newly designated ports of discharge on that coast and shall be used to verify the abstract Cargo Declarations surrendered at subsequent ports on that coast.

16. Section 4.87 would be revised to read as follows:

§ 4.87 Vessels proceeding foreign via domestic ports.

(a) Any foreign vessel or vessel of the United States under register or frontier enrollment and license may proceed from port to port in the United States to lade cargo or passengers for foreign ports.

(b) When applying for a clearance from the first and each succeeding port of lading, the master shall present to the district director a General Declaration, Customs Form 1301, in duplicate, and a Cargo Declaration, Customs Form 1302 or 1305, in accordance with § 4.63(a), of all the cargo laden for export at that port. The General Declaration shall clearly indicate all previous ports of lading. The required mater's oath shall be executed on the Master's Oath on Entry of Vessel in Foreign Trade, Customs Form 1300 (see § 4.63(a)).

(c) Upon compliance with the applicable provisions of § 4.61, the district director shall grant the permit to proceed by making the endorsement prescribed by § 4.85(b) on the General Declaration, Customs Form 1301. One copy shall be returned to the master, together with the vessel's document if on deposit. The traveling Crew's Effects Declaration, Customs Form 1304, together with any unused crewmembers' declarations, shall be placed in a sealed envelope addressed to the Customs boarding officer at the next domestic port and returned to the master.

(d) On arrival at the next and each succeeding domestic port, the master shall report arrival within 24 hours. He shall also make entry within 48 hours by presenting the vessel's document, the permit to proceed on the General Declaration, Customs Form 1301, received by him upon departure from the last port, a Crew's Effects Declaration, Customs Form 1304, in duplicate, listing all unentered articles acquired abroad by officers and crew of the vessel which are still retained on board, and a Ship's Stores Declaration, Customs Form 1303, in duplicate, of the stores remaining aboard. The master shall also execute a General Declaration. The required master's oath shall be on the Master's bath on Entry of Vessel in Foreign Trade, Customs Form 1300 (see § 4.63(a)). The traveling Crew's Effects Declaration, together with any unused crewmembers' declarations returned to the master at the prior port, shall be delivered by him to the district director.

(e) Clearance shall be granted at the final port of departure from the United States in accordance with § 4.61.

(f) If a complete Cargo Declaration, Customs Form 1302 or 1305 (see § 4.63), and all required shipper's export declarations are not available for filing before departure of a vessel from any port, clearance on the General Declaration, Customs Form 1301 (Customs Form 1378 at the last port) may be granted in accordance with § 4.75, subject to the limitation specified in § 4.75(c).

(g) When the procedure outlined in paragraph (f) of this section is followed at any port, the owner or agent of the vessel shall deliver to the district director at that port within 4 business days after the vessel's clearance 118 a Cargo Declaration, Customs Form 1302 or 1305 (see section 4.63), and the export declarations to cover the cargo laden for export at that port.

17. Paragraph (c) of § 4.88 would be revised to read as follows:

§ 4.88 Vessels with residue cargo for foreign ports.

* * * * *

(c) If the vessel clears directly foreign from the first port of arrival, cargo brought from foreign ports and retained on board may be declared on the Cargo Declaration, Customs Form 1302 or 1305 (see § 4.63), by the insertion of the following statement:

All cargo declared on entry in this port as cargo for discharge at foreign ports and so shown on the Cargo Declaration filed upon entry has been and is retained on board.

If any such cargo has been landed, the Cargo Declaration shall describe each item of the cargo from a foreign port which has been retained on board (see § 4.63(a)).

* * * * *

18. Section 4.89 would be revised to read as follows:

§ 4.89 Vessels in foreign trade proceeding via domestic ports and touching at intermediate foreign ports.

(a) A vessel proceeding from port to port in the United States in accordance with § 4.85, 4.86, or 4.87 may touch at an intermediate foreign port or ports to lade or discharge cargo or passengers. In such a case the vessel shall obtain clearance from the last port of departure in the United States before proceeding to the intermediate foreign port or ports at which it is intended to touch. The Cargo Declaration, Customs Form 1302 or 1305 (see § 4.63), shall show the cargo for such foreign destination in the manner provided in § 4.88(c).

(b) The master shall also present to the district director the Cargo Declaration or Cargo Declarations required by § 4.85, 4.86, or 4.87, and obtain a permit to proceed on the General Declaration, Customs Form 1301, to the next port in the United States at which the vessel will touch.

(c) Upon arrival at the next port in the United States after touching at a foreign port or ports, a report of arrival and entry shall be made. The Cargo Declaration, Customs Form 1302, filed at time of entry shall list the cargo laden at the intermediate foreign port or ports.

(d) The master shall also present to the district director the permit to proceed on the General Declaration, Customs Form 1301, and the Cargo Declaration from the last previous port in the United States as provided for in § 4.85, 4.86, or 4.87.

19. Paragraph (c) of § 4.91 would be revised to read as follows:

§ 4.91 Diversion of vessel; transshipment of cargo.

* * * * *

(c) In a case of necessity, a district director may grant an application on Customs Form 3171 of the owner or agent of an established line for permission to transship [22] all cargo and passengers from one vessel of the United States to another such vessel under Customs supervision, if the first vessel is transporting residue cargo for domestic or foreign ports or is on an outward foreign voyage or a voyage to noncontiguous territory of the United States, and is following the procedure prescribed in § 4.85, 4.87, or 4.88. When inward foreign cargo or passengers are so transshipped to another vessel, a separate traveling manifest (Cargo Declaration, Customs Form 1302, or Passenger List, Customs and Immigration Form I-418) shall be used for the transshipped cargo or passengers, whether or not the forwarding vessel is also carrying other residue cargo or passengers. An appropriate cross-reference shall be made on the separate traveling manifest to show whether any other traveling manifest is being carried forward on the same vessel.

20. Paragraph (c) of § 4.93 is revised to read as follows:

§ 4.93 Coastwise transportation of containers by certain vessels; procedures.

* * * * *

(c) Any Cargo Declaration, Customs Form 1302, required to be filed under this part by any foreign vessel shall describe any article mentioned in paragraph (a) of this section laden aboard and transported from one United States port to another, giving its identifying number or symbols, if any, or such other identifying data as may be appropriate; the names of the shipper and consignee, and the destination. The Cargo Declaration shall include a statement (1) that the articles specified in paragraph (a)(1) of this section are owned or leased by the owner or operator of the transporting vessel and are transported for his use in handling his cargo in foreign trade; or (2) that the stevedoring equipment and material (paragraph (a)(2) of this section) is owned or leased by the owner or operator of the transporting vessel, or is owned or leased by the stevedoring company contracting for the lading or unlading of that vessel, and is transported without charge for use in the handling of cargo in foreign trade. If the district director at the port of lading is satisfied that there will be sufficient control over the coastwise transportation of the article without identifying it by number or symbol or such other identifying data on the Cargo Declaration, he may permit the use of a Cargo Declaration that does not include such information. This shall only be permitted if the Cargo Declaration includes a statement that the district director at the port of unlading shall be presented a statement at the time of entry of the vessel that shall list the identifying number or symbol or other appropriate identifying data for the article to be unladen at the port. Applicable penalties under section 584, Tariff Act of 1930, as amended (19 U.S.C. 1584), shall be assessed for violation of this paragraph.

22. Section 4.99 would be revised to read as follows:

§ 4.99 Forms substitution.

Customs Forms 1300, 1301, 1302, 1303, 1304 and 1305 printed by private parties or foreign governments shall be accepted provided the forms so printed conform to the official Customs forms in size (except that such forms may be up to 14 inches in length or may be reduced in size to not less than 11 inches by 8½ inches), wording, arrangement, style, size of type and paper specifications. Forms not complying with the requirements of this section are not acceptable without the specific approval of the Commissioner of Customs. If instructions are printed on the reverse of any of the official Customs forms, such instructions may be omitted (although such instructions must be followed).

Sample copies of proposed Customs Forms 1302, "Cargo Declaration", and 1305, "Cargo Declaration (outward with commercial forms)", have been filed with this notice in the Office of the Federal Register and may be obtained from the office of any regional commissioner of Customs.

Data, views, or arguments with respect to the foregoing proposals may be addressed to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229. To insure consideration of such communications, they must be received not later than October 6, 1975.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs Regulations (19 CFR 103.8 (b)), at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

[SEAL] G. R. DICKERSON,
Acting Commissioner of Customs.

Approved: July 29, 1975.

JAMES B. CLAWSON,
Acting Assistant Secretary of the Treasury.

[FR Doc.75-20483 Filed 8-5-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

REGULATIONS GOVERNING INSPECTION AND CERTIFICATION

Notice of Proposed Rulemaking

Notice is hereby given that the United States Department of Agriculture is considering revisions to the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables and Related Products (7 CFR, 52.1-52.83) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (Sec. 205, 60 Stat. 1087, et seq. as amended; 7 U.S.C. 1621 et. seq.).

The Agricultural Marketing Act of 1946 provides for the issuance of official United States grades to designate different quality levels for the voluntary use of producers, buyers, and consumers. Official grading services are also provided for under this Act upon request and payment of the fee to cover the cost of such services.

Interested persons desiring to submit written data, views, or arguments for consideration in connection with the proposals should file the same, in duplicate, not later than September 8, 1975, with the Hearing Clerk, U.S. Department of Agriculture, Room 112 Administration Building, Washington, D.C. 20250. All written submissions made pursuant to this notice will be made available for public review at the office of the Hearing Clerk during business hours (7 CFR, 1.27 (b)).

NOTE: Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

Statements of consideration leading to the amendment of the regulations. The proposed amendments to the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables and Related Products include: (1) Revised and additional definitions of terms for the types of Inspection Services; (2) Revised sampling plans; (3) Inclusion of new inspection marks; and (4) Revised rules for the use of the sampling mark.

The previously defined pack certification inspection service was limited to designated lots. The pack certification type service is being expanded to include a "Quality Assurance" type of inspection contract.

This type of inspection has been requested by some users of the inspection service to minimize duplication of inspection efforts between plant quality control and AMS and to reduce inspection costs.

This type of service will provide assurance to the processor that their own quality control efforts are adequate and that their evaluations of product characteristics can be relied upon.

In § 52.38 Table III, for Group 2 and 3 the "3 pound" reference is changed to 60 ounces. A common can size included in Group 2 sampling includes a can size which, when filled with certain products, may have a net weight slightly in excess of 48 ounces. This proposed increase in the Group 2 maximum weight does not change the sampling rate, but is intended to include this can size in Group 2 regardless of variations in net weight due to types of products contained within.

Tables IV and V in § 52.38 would be amended by adding provisions for a smaller sample size for on-line inspection than for lot inspection. The smaller sample is practical because the on-line inspection includes additional information on the product from raw material through to the finished product.

A new inspection mark is proposed in § 52.52 so that plants operating under the new "Quality Assurance" type inspection contract may distinguish their product with an approved identification. It is the policy of the Department to provide inspection marks whereby products packed under or monitored by various USDA inspection services may be so identified in the commercial trade.

The "officially sampled" mark has always been available to identify a product that has been officially sampled and inspected by the Department. The current regulations prohibit placing this stamp on any case with a grade designation on it or the packages within, until the product has been graded to verify that it meets the declared grade.

This restriction would be deleted thereby promoting a more economical, efficient and orderly conduct of the inspection service.

This would be accomplished by:

(1) Re-emphasizing the fact that the sampling mark denotes only that a particular lot was "officially sampled." The sampling mark was not intended to indicate compliance or non-compliance with a specification, requirement, regulation, or label declaration.

(2) Reducing the applicant inspection costs in those instances where cases were not stamped at time of sampling and a return trip was required.

(3) Permitting the stamping of lots at time of sampling so that positive identification can be maintained. This is an important aspect in those situations where control of the lot by the Department is necessary or required.

The proposed amendments to 7 CFR Part 52 are as follows:

1. In § 52.2 paragraph (c) would be revised to read as follows:

§ 52.2 Terms defined.

* * * * *

Inspection services; types of (a) * * *

* * * * *

(c) "Pack Certification" is the conduct of inspection and grading services in an approved plant whereby one or more inspectors may make inspections of the preparation and processing of products but are not required to be present at all times the plant is in operation.

(1) Under a *Designated Lot* contract, inspectors will grade and certify only those lots designated by the applicant.

(2) Under a *Quality Assurance* contract, inspector(s) will use information available from the applicant's quality control records to certify lots, as requested, and will *grade* lots at random as often as necessary to verify the reliability of the applicant's quality control system.

2. In § 52.38, Table III, under the Group 2 and Group 3 headings in the first column, the "3 pound" reference would be changed to read "60 ounces."

3. Also in § 52.38, Tables IV and V would be revised by deleting the bottom row (headed "Sample Size-Acceptance Number") and substituting the following in both tables:

§ 52.38 Sampling plans and procedures determining lot compliance.

* * * * *

Lot inspection:								
Sample size (number of sample units) [1]	3	6	13	21	29	38	48	60
Acceptance number	0	1	2	3	4	5	6	7
On-line in-plant inspection:								
Sample size (number of sample units) [1]	3	6	6	13	21	29	38	48
Acceptance number	0	1	1	2	3	4	5	6

* * * * *

NOTE: There is no change proposed in the footnotes.

* * * * *

4. In § 52.53, paragraphs (a), (b), (c), (d), and (e) would be revised to read as follows:

§ 52.53 Approved identification.

(a) *General.* Use of the approved identification marks described and illustrated in figures 1 through 10 of this section is restricted to processed products that:

(1) Are clean, safe, and wholesome;

(2) Have been produced in an approved plant;

(3) Are truthfully and accurately labeled;

(4) Meet the quality requirements for U.S. Grade C or better;

(5) Meet applicable fill weight and/or drained weight, condition of container criteria, Brix or other characteristics of a commodity related to market value;

(6) Have been certified, or have been inspected and are eligible for certification, by an inspector; and, in addition, meet the specific requirements stated in (b), (c), and (d) of this section.

(b) *Inspection (Continuous) grade and inspection marks.* The official marks approved for use by plants operating under USDA continuous inspection service contracts shall be similar in form and design to the examples in figure 1 through 10 of this section; *Provided:* That the official marks illustrated by figures 8 and 9 are limited to products packed by plants operating under an approved Quality Assurance type of inspection contract: *And provided further,* That the inspection marks illustrated in figures 1 through 4 may only be used on products packed by plants operating under USDA continuous inspection.

FIGURE 1.

FIGURE 2.

Statement enclosed within a shield.

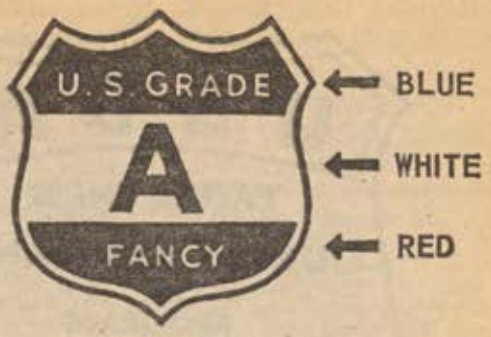
FIGURE 3.

PACKED UNDER
CONTINUOUS
INSPECTION
OF THE
U. S. DEPT. OF
AGRICULTURE

Statement without the use of the shield.

FIGURE 4.

(c) *In-plant inspection (other than continuous) grade and inspection marks.* The official marks approved for use by plants operating under USDA inspection service contracts (other than continuous) requiring a resident inspector shall be limited to those similar in form and design to the examples in figures 5 through 10 of this section; *Provided:* That the official marks illustrated by figures 8 and 9 are limited to products packed by plants operating under an approved Quality Assurance type of an inspection contract.



Shield using red, white, and blue background or other colors appropriate for label.

FIGURE 5.

Shield with plain background.

FIGURE 6.

Shield with plain background.

FIGURE 7.

FIGURE 8

PACKED UNDER
QUALITY ASSURANCE
PROGRAM
of the
U.S. DEPT. OF AGRICULTURE

Statement without the use of the shield.

FIGURE 9

(d) *Approved plant-lot inspection grade marks.* Processed products that are produced in an approved plant and inspected and certified by an inspector on a lot basis may be labeled with an official grade mark, not in a shield design, such as is illustrated by marks (1) and (2) of figure 10. Failure to have all lots, bearing such official marks, inspected and certified shall be cause for the debarment of services and such other actions as provided for in the Agricultural Marketing Act of 1946.

(1) U. S. GRADE A

(2) U. S. CHOICE

Grade marks not in shield design.

FIGURE 10.

(e) *Sampling marks.* Processed products which have been packed under inspection as provided for in this section and products sampled for inspection on a lot basis as provided in this part may, at the option of the Department, be identified by an authorized representative of the Department by stamping the shipping cases and inspection certificate(s) covering such lot(s) with an officially drawn sampling mark similar in form and design to the example in figure 11 of this section.

FIGURE 11.

* * * * *

Dated: July 30, 1975.

WILLIAM H. WALKER III,
Deputy Administrator,
Program Operations.

[FR Doc.75-20300 Filed 8-5-75;8:45 am]

[7 CFR Part 993]

DRIED PRUNES PRODUCED IN CALIFORNIA

Undersized Regulation and Salable and Reserve Percentages for the 1975–76 Crop Year

Notice is hereby given of a proposal recommended by the Prune Administrative Committee to: (1) Establish salable and reserve percentages of 100 percent and 0 percent, respectively, for the 1975–76 crop year; (2) modify the size openings prescribed in § 993.49(c) for the determination of undersized prunes; and (3) on the basis of this modification, establish an undersized prune regulation for prunes received by handlers from producers and dehydrators during the 1975–76 crop year. The proposals are in accordance with the provisions of the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The Committee's recommendations are based on its estimate that California's 1975 dried prune production would approximate 145,000 natural condition (N.C.) tons, and that carryin on August 1, 1975, the beginning of the 1975–76 crop year, of salable prunes from 1974 production would be about 58,000 N.C. tons.

The estimated 1975 production, coupled with the estimated carryin would result in a supply exceeding 1975–76 trade demand for prunes by about 28,500 N.C. tons. However, the Committee recommended no volume regulation for the 1975–76 crop year. Instead, it recommended establishment of an undersized regulation applicable to all prunes received by handlers from producers and dehydrators during that crop year. The objective of the undersized regulation would be to remove the smallest—i.e., the least desirable—prunes from the 1975 crop. Handlers cannot market undersized prunes for human consumption, but can dispose of them in nonhuman consumption outlets such as livestock feed. The Committee estimated that the proposed undersized regulation would reduce the apparent excess of about 28,500 tons by approximately 10,000 tons, still leaving sufficient prunes to fulfill foreign and domestic trade demand during the 1975–76 crop year, and provide an adequate carryout on July 31, 1976.

Under the proposal, French variety prunes which pass freely through a screen opening 24/32 of an inch in diameter would be classified as undersized prunes. For non-French prunes, the opening would be 30/32 of an inch in diameter.

In order to establish such a regulation for the 1975–76 crop year, it would be necessary to modify the openings prescribed in § 993.49(c). Paragraph (c) provides, in part, that any undersized regulation shall provide that the diameter of the round opening for French prunes shall be 23/32 of an inch, and for non-French prunes 28/32 of an inch, or such larger openings as may be prescribed pursuant to § 993.52. Based on the authority in §§ 993.49(c) and 993.52, it is therefore proposed that a new § 993.400 be included in Subpart—Undersized Prune Regulation (7 CFR 993.401) modifying the openings prescribed in § 993.49(c) to permit undersized regulations using openings of 24/32 of an inch for French prunes, and 30/32 of an inch, for non-French prunes.

Consideration will be given to any written data, views, or arguments pertaining to the proposals which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, no later than August 21, 1975. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 993.401) reading as follows:

The proposals follow:

1. Salable and reserve percentages for the 1975–76 crop year.

§ 993.211 Salable and reserve percentages for prunes for the 1975–76 crop year.

The salable and reserve percentages for the 1975–76 crop year shall be 100 percent and 0 percent, respectively.

2. Add a new § 993.400 to Subpart—Undersized Prune Regulation (7 CFR 993–401) reading as follows:

§ 993.400 Modification.

Pursuant to the authority in § 993.52, the provisions in § 993.49(c) prescribing size openings for undersized prune regulations are hereby modified to permit larger size openings. For French prunes, any undersized regulation may prescribe an opening of 23/32 of an inch or 24/32 of an inch; for non-French prunes, any undersized regulation may prescribe an opening of 28/32 of an inch or 30/32 of an inch.

3. The proposed undersized prune regulation for the 1975–76 crop year is as follows:

§ 993.402 Undersized prune regulation for the 1975–76 crop year.

Pursuant to §§ 993.49(c) and 993.52, an undersized prune regulation for the 1975–76 crop year is hereby established. Undersized prunes are prunes which pass freely through round openings as follows: For French prunes, 24/32 of an inch in diameter; for non-French prunes, 30/32 of an inch in diameter.

Dated: August 1, 1975.

D. S. KURYLOSKI,
Acting Deputy Director,
Fruit and Vegetable Division.

[FR Doc.75-20485 Filed 8-5-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 102]

STATE VOCATIONAL EDUCATION PROGRAMS

Notice of Proposed Rulemaking

The following amendments to the regulations (45 CFR Part 102), which are applicable to programs of vocational education administered by State boards for vocational education under the Vocational Education Act of 1963, as amended (20 U.S.C. 1241 through 1393(f)), are proposed for the purpose of conforming the regulations to existing Departmental policy and of insuring effective coordination of vocational education programs conducted under the Vocational Educational Act with program activities provided under the Comprehensive Employment and Training Act (CETA), Pub. L. 93–203, (29 U.S.C. 801 et seq.) and the regulations issued thereunder by the Department of Labor (29 CFR Part 94).

The purpose of CETA is to provide job training and employment opportunities for economically disadvantaged, unemployed, and underemployed persons. Since there is considerable overlap in both CETA and vocational education target populations, it is proposed that the State's annual program plan required under the Vocational Education Act and the General Education Provisions Act provide for cooperative arrangements between the State board and the State Manpower Services Council established under the authority of section 107 of CETA. Accordingly, it is proposed to amend § 102.40 to assure that the State Manpower Services Council will be provided with an opportunity to comment on the development of the provisions of the annual program plan which relate to manpower services at the public hearing or prior to the public hearing mandated by § 102.31(e)(3).

Three other CETA related changes are proposed. First, § 102.3 would be expanded to include the definition of "Prime Sponsor", which is the governmental unit responsible for carrying out comprehensive manpower programs. Secondly, § 102.40(b) would be broadened in order to provide coordination with CETA prime sponsor manpower planners in the development of vocational education programs. Thirdly, § 102.51(a)(3) would be amended to indicate the repeal of the "Manpower Development and Training Act of 1962" and to clarify the exclusionary language of this provision. Although an implication might be read into section 122(a)(3) of the Act that trainees under CETA and the Trade Expansion Act must be excluded from vocational programs, Congressional intention was precisely the opposite. (109 Cong. Rec. 13476 (1963 (remarks of Representatives Perkins and Goodell)). The purpose for writing this exclusionary language was to prevent an overlapping in the actual availability of funds between voca-