

service bulletin: Perform the measurement within 8 days after the effective date of this AD.

(2) For airplanes equipped with MLG barrels applicable to Table No. 2 of the service bulletin: Perform the measurement within 3 months after the effective date of this AD.

(b) If the gap measurement is less than 1 mm (0.04 in.): Accomplish either paragraph (b)(1) or (b)(2) of this AD, as applicable.

(1) For airplanes equipped with MLG barrels applicable to Table No. 1 of the service bulletin: No further action is required by this paragraph for those airplanes.

(2) For airplanes equipped with MLG barrels applicable to Table No. 2 of the service bulletin: Prior to further flight, coat the MLG barrel and shock absorber connecting rod nut with a rubber sealant in accordance with Messier Bugatti Airbus A310 Service Bulletin 470-32-726, Revision 2, dated February 8, 1994.

(c) If the gap is equal to or greater than 1 mm (0.04 in.): Accomplish paragraphs (c)(1), (c)(2), and (c)(3) of this AD, as applicable, in accordance with Messier Bugatti Airbus A310 Service Bulletin 470-32-726, Revision 2, dated February 8, 1994.

(1) For all airplanes: Within 15 days after accomplishing the measurement required by paragraph (a) of this AD, perform a gap recovery procedure in accordance with paragraph 2.B.(5) of the Accomplishment Instructions of the service bulletin.

(2) For airplanes equipped with MLG barrels applicable to Table No. 2 of the service bulletin: Prior to further flight after accomplishing the gap recovery procedure required by paragraph (c)(1) of this AD, coat the MLG barrel and connecting rod nut with a rubber sealant in accordance with the service bulletin.

(3) For all airplanes: Within 15 days after accomplishing the measurement required by paragraph (a) of this AD, perform a visual inspection to detect cracks of the MLG barrel, in accordance with paragraph 2.B.1 of the Accomplishment Instructions of the service bulletin.

(i) If no crack is detected: Repeat the visual inspection thereafter at intervals not to exceed 7 days until the eddy current inspection required by paragraph (d) of this AD is accomplished.

(ii) If any crack is detected: Prior to further flight, replace the MLG barrel with a barrel that has been modified in accordance with Messier Bugatti Service Bulletin 470-32-640, dated July 11, 1988, and Messier Bugatti Service Bulletin 470-32-763, dated February 28, 1994. Accomplishment of this replacement shall be done in accordance with Messier Bugatti Airbus A310 Service Bulletin 470-32-726, Revision 2, dated February 8, 1994. After accomplishment of this replacement, no further action is required by this AD.

(d) Except as provided by paragraph (c)(3)(ii) of this AD (MLG barrel replacement): Following accomplishment of either paragraph (b) or (c) of this AD, and at the applicable times specified in Table No. 1 and Table No. 2 of Messier Bugatti Airbus A310 Service Bulletin 470-32-726, Revision 2, dated February 8, 1994, remove the rubber

sealant and perform an eddy current inspection to detect cracks of the MLG barrel in accordance with Table No. 3 of that service bulletin.

(1) If no crack is detected: At the times specified in Table No. 3 of the service bulletin, perform the various follow-on actions in accordance with the service bulletin. (The follow-on actions include repetitive gap measurements, repetitive eddy current and visual inspections, installation of a new bushing, and replacement of the bronze washer with a stainless steel washer.)

(i) However, in lieu of installing a new bushing on crack-free barrels having no oxidation of the cadmium plating at the next overhaul, as specified in the service bulletin, operators must either repeat the gap measurement and eddy current inspection at intervals not to exceed 2 years, or install a new bushing and replace the bronze washer at the upper part of the MLG barrel with a stainless steel washer, in accordance with the service bulletin.

(ii) After accomplishment of the installation of a new bushing (reference Messier Bugatti Service Bulletin 470-32-640) and the replacement of the bronze washer (reference Messier Bugatti Service Bulletin 470-32-763), no further action is required by this AD.

(2) If any crack is detected: Prior to further flight, replace the barrel with a barrel that has been modified in accordance with Messier Bugatti Service Bulletin 470-32-640, dated July 11, 1988, and Messier Bugatti Service Bulletin 470-32-763, dated February 28, 1994. Accomplishment of this replacement shall be done in accordance with the Messier Bugatti Airbus A310 Service Bulletin 470-32-726, Revision 2, dated February 8, 1994. After accomplishment of this replacement, no further action is required by this AD.

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM-113.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

(f) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(g) The actions shall be done in accordance with Messier Bugatti Airbus A310 Service Bulletin 470-32-726, Revision 2, dated February 8, 1994. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Messier Services, 45635 Willow Pond Plaza, Sterling, Virginia 20164. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind

Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(h) This amendment becomes effective on February 26, 1996.

Issued in Renton, Washington, on January 11, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96-571 Filed 1-25-96; 8:45 am]

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DEPARTMENT OF THE TREASURY

Customs Service

19 CFR PART 4

[T.D. 96-11]

RIN 1515-AB37

Preliminary Vessel Entry and Permits to Lade and Unlade

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

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations regarding the preliminary entry of vessels arriving in ports of the United States and the granting of permits for the lading and unlading of merchandise from those vessels. The Customs Regulations regarding this subject are being amended to accurately reflect recent changes to the underlying statutory authority, enacted as part of the Customs Modernization Act.

EFFECTIVE DATE: February 26, 1996.

FOR FURTHER INFORMATION CONTACT: William Scopa, Office of Field Operations, 202-927-3112 (operational matters), or Larry L. Burton, 202-482-6940 (legal matters).

SUPPLEMENTARY INFORMATION:

Background

On December 8, 1993, amendments to certain Customs and navigation laws became effective as the result of the President signing Pub. L. 103-182, Title VI of which is popularly known as 2 the Customs Modernization Act (the Act). Sections 653 and 656 of the Act significantly amended the statutes governing the entry and the lading and unlading of vessels in the United States. These operations are governed, respectively, by sections 434 and 448 of the Tariff Act of 1930, as amended (19 U.S.C. 1434 and 1448).

Prior to these amendments, the entry of vessels of the United States and vessels of foreign countries had been

governed by separate statutes (19 U.S.C. 1434 and 1435), neither of which included elements concerning preliminary vessel entry or the boarding of vessels. The Act repealed section 1435 and amended section 1434 to provide for the entry of American and foreign-documented vessels under the same statute. Additionally, the amended section 1434 now provides authority for the promulgation of regulations regarding preliminary vessel entry, and while neither mandating boarding for all vessels nor specifying that optional boarding must be accomplished at any particular stage of the vessel entry process, the amended law does require that a sufficient number of vessels be boarded to ensure compliance with the laws enforced by the Customs Service.

Section 1448 had previously linked the granting of preliminary vessel entry to a mandatory boarding requirement and the physical presentation of manifest documents to the Customs boarding officer. The amended section 1448 no longer contains provisions regarding preliminary vessel entry, vessel boarding, or manifest presentation, matters which are now provided for in other statutes. Section 1448 now states that Customs may electronically issue permits to lade or unlade merchandise, pursuant to an authorized data interchange system.

The regulations which implement the statutory authority for the granting of preliminary vessel entry and the issuance of permits to lade and unlade merchandise are contained in sections 4.8 and 4.30 of the Customs Regulations (19 CFR 4.8 and 4.30). These provisions still contain mandatory boarding and physical document presentation requirements, and of course do not include any reference to an electronic permit issuance option.

On March 18, 1994, a document was published in the Federal Register (59 FR 12878) soliciting comments regarding a proposal to amend sections 4.8 and 4.30 of the Customs Regulations (19 CFR 4.8 and 4.30), in order to properly implement the amended statutory authority. This document considers the comments received and amends the cited sections of the Customs Regulations.

Discussion of Comments

Thirty comments were received in response to the proposal. There were thirteen comments received from vessel operators, nine from vessel agents, six from vessel and import trade groups, one from a customs broker, and one from a labor union. Of the thirty comments received, twenty-eight of them expressed enthusiastic and

unqualified support for the published proposal. A discussion of the remaining comments follows.

Comment: One commenter stated that while the inclusion of elements concerning the electronic transmission of information was both welcome and necessary, our proposal was "vague" in this regard. It is stated that if the authorized electronic system contemplated by Customs is one which will be used with the Automated Commercial System (ACS), that fact should have been made clear and guidelines should have been published. The question of compliance by Customs with 19 U.S.C. 1412, as enacted by section 631 of the Customs Modernization Act, was also raised. The newly enacted section provides, in its entirety, that with regard to the National Customs Automation Program (the Program):

The goals of the Program are to ensure that all regulations and rulings that are administered or enforced by the Customs Service are administered and enforced in a manner that—

- (1) is uniform and consistent;
- (2) is as minimally intrusive upon the normal flow of business activity as practicable; and
- (3) improves compliance.

The commenter goes on to urge that if Customs is contemplating revised requirements for the submission of information electronically, that existing legal considerations concerning electronic commercial document transactions be taken into account.

Response: The quoted statutory language merely recites the goals of the automation program when that program is eventually devised and published. The amendments presented in this document do not implement an automation program; they are simply intended to authorize the voluntary utilization of such a system, once implemented, in transacting operations under sections 4.8 and 4.30 of the regulations.

Further, Customs will implement regulations concerning how electronic transmission of documents and information may be accomplished only after a thorough investigation and with a full appreciation of all legal and practical considerations. The process will, as always, invite public participation.

Comment: One commenter correctly states that section 434, Tariff Act of 1930 (as amended by section 653 of the Customs Modernization Act) 19 U.S.C. 1434, places an affirmative obligation upon Customs to board a sufficient number of vessels during the preliminary entry process to ensure

compliance with various provisions of law. The commenter then goes on to rely upon language in the legislative history relating to section 653 in an effort to fix the number of vessels to be boarded. It is urged that the number of vessels boarded be published in the Federal Register, and that the regulations themselves state that the number of vessel boardings may not be decreased.

Response: The commenter does not suggest that the amended statute is in any way ambiguous, and neither does Customs believe it to be. With statutory authority clear on its face, there is no need to seek clarification in the history of the law. The statute, in setting forth that Customs shall board a sufficient number of vessels to ensure compliance with the laws it administers, merely reinforces the underlying current prevalent throughout the Customs Modernization Act. That common theme is the vesting in Customs of broad discretion to promulgate regulations and install procedures. There is no question that Customs will continue to board vessels for the purpose of enforcing the laws of the United States. Effectively ensuring enforcement of U.S. laws can best be realized by boarding vessels when circumstances suggest that a Customs presence is warranted, to include random boardings. Boarding quotas will not further the ends of the statute as reflected in its plain words.

Conclusion

After careful consideration of all comments received as well as further review of the matter, it has been determined that the amendments should be adopted as proposed.

Regulatory Flexibility Act

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

Executive Order 12866

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

Drafting Information

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

List of Subjects in 19 CFR Part 4

Customs duties and inspection, Reporting and recordkeeping requirements, Vessels.

Amendments to the Regulations

Part 4, Customs Regulations (19 CFR Part 4), is amended as set forth below.

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

1. The general authority citation for Part 4, Customs Regulations (19 CFR Part 4) and specific authority citation for section 4.8 continue, and the specific authority citation for section 4.30 is revised, to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1431, 1433, 1434, 1624; 46 U.S.C. App. 3, 91;
* * * * *

Section 4.8 also issued under 19 U.S.C. 1448, 1486;
* * * * *

Section 4.30 also issued under 19 U.S.C. 288, 1446, 1448, 1450–1454, 1490;
* * * * *

2. Section 4.8 is revised to read as follows:

§ 4.8 Preliminary entry.

Preliminary entry allows a U.S. or foreign vessel arriving under circumstances which require it to formally enter, to discharge cargo, passengers, or baggage prior to making formal entry. The granting of preliminary entry may be accomplished electronically pursuant to an authorized electronic data interchange system, or by other means of communication approved by the Customs Service. Preliminary entry must be made in compliance with § 4.30 of this part. The granting of preliminary vessel entry by the Customs Service may be conditioned upon the presentation of a completed Customs Form 1300 (Master's Certificate on Preliminary Entry) to Customs during discretionary vessel boarding, or upon the filing with Customs of a Customs Form 1300 or its equivalent by electronic or other means in instances where vessels are not boarded.

3. Section 4.30 (a) is amended by removing the period at the end and adding the words "or electronically pursuant to an authorized electronic data interchange system or other means of communication approved by the Customs Service."

4. Section 4.30(b) is amended by adding after the phrase "Customs Form 3171," the words "or electronically pursuant to an authorized electronic data interchange system or other means

of communication approved by the Customs Service,".

George J. Weise,
Commissioner of Customs.

Approved: November 24, 1995.
John P. Simpson,
Deputy Assistant Secretary of the Treasury.
[FR Doc. 96-1327 Filed 1-25-96; 8:45 am]
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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 5

Delegations of Authority and Organization; Office of the Commissioner

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the regulations for redelegations of authority from the Commissioner of Food and Drugs to other officers of FDA in order to give the Associate Commissioner for Policy Coordination, Office of Policy, authority to issue Federal Register notices and proposed and final regulations for FDA. This action is being taken in order to hasten the process of issuing such notices and proposed and final regulations. This authority may not be further redelegated at this time.

EFFECTIVE DATE: January 26, 1996.
FOR FURTHER INFORMATION CONTACT: Ellen Rawlings, Division of Management, Systems and Policy (HFA-340), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4976.

SUPPLEMENTARY INFORMATION: FDA is amending the regulations in § 5.20 *General redelegations of authority from the Commissioner to other officers of the Food and Drug Administration* (21 CFR 5.20) in order to add the title of Associate Commissioner for Policy Coordination to those authorized to issue Federal Register notices and proposed and final regulations for FDA. This action is being taken in order to hasten the process of issuing such notices and proposed and final regulations.

Further redelegation of these authorities is not authorized at this time. Authority delegated to a position by title may be exercised by a person officially designated to serve in such

position in an acting capacity or on a temporary basis.

List of Subjects in 21 CFR Part 5

Authority delegations (Government agencies), Imports, Organization and functions (Government agencies).

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 5 is amended as follows:

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

1. The authority citation for 21 CFR part 5 continues to read as follows:

Authority: 5 U.S.C. 504, 552, App. 2; 7 U.S.C. 138a, 2271; 15 U.S.C. 638, 1261-1282, 3701-3711a; secs. 2-12 of the Fair Packaging and Labeling Act (15 U.S.C. 1451-1461); 21 U.S.C. 41-50, 61-63, 141-149, 467f, 679(b), 801-886, 1031-1309; secs. 201-903 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321-394); 35 U.S.C. 156; secs. 301, 302, 303, 307, 310, 311, 351, 352, 354, 361, 362, 1701-1706; 2101, 2125, 2127, 2128 of the Public Health Service Act (42 U.S.C. 241, 242, 242a, 242l, 242n, 243, 262, 263, 263b, 264, 265, 300u-300u-5, 300aa-1, 300aa-25, 300aa-27, 300aa-28); 42 U.S.C. 1395y, 3246b, 4332, 4831(a), 10007-10008; E.O. 11490, 11921, and 12591; secs. 312, 313, 314 of the National Childhood Vaccine Injury Act of 1986, Pub. L. 99-660 (42 U.S.C. 300aa-1 note).

2. Section 5.20 is amended by revising paragraph (f)(1) to read as follows:

§ 5.20 General redelegations of authority from the Commissioner to other officers of the Food and Drug Administration.

* * * * *

(f)(1) The Deputy Commissioner for Policy and the Associate Commissioner for Policy Coordination are authorized to perform any of the functions of the Commissioner of Food and Drugs with respect to the issuance of Federal Register notices and proposed and final regulations of the Food and Drug Administration.

* * * * *

Dated: January 19, 1996.
William B. Schultz,
Deputy Commissioner for Policy.
[FR Doc. 96-1322 Filed 1-25-96; 8:45 am]

BILLING CODE 4160-01-F

21 CFR Part 558

New Animal Drugs For Use In Animal Feeds; Chlortetracycline, Sulfathiazole, Penicillin

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.