

(5) *Retention and submission of records to Customs.* Documents supporting the information contained in or accompanying the declaration as set forth in paragraphs (n) (2)–(4) of this section must be retained by the importer for a period of at least 5 years from the date of entry, or withdrawal from warehouse, for consumption of the nonroad engine (see § 162.1c of this chapter), and shall be provided to Customs upon request.

(o) *Release under bond.* If a declaration filed in accordance with paragraph (n)(2) of this section states that the entry is being filed under circumstances described in either paragraph (h), (i), (j), or (k) of this section, the entry shall be accepted only if the importer or consignee gives a bond on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter for the production of an EPA statement that the engine is in conformity with Federal emission requirements. Within the period in paragraph (i) or (j) of this section, or in the case of paragraph (h) or (k) of this section, the period specified by EPA in its authorization for an exemption, or such additional period as the port director of Customs may allow for good cause shown, the importer or consignee shall deliver to the port director the prescribed statement. If the statement is not delivered to the director of the port of entry within the specified period, the importer or consignee shall deliver or cause to be delivered to the port director those engines which were released under a bond required by this paragraph. In the event that the engine is not redelivered within 5 days following the specified period, liquidated damages shall be assessed in the full amount of the bond, if it is a single entry bond, or if a continuous bond is used, the amount that would have been taken under a single entry bond. Liquidated damages under the bond generally would be equal to 3 times the value of the merchandise involved in the default (see § 113.62(k) of this chapter).

(p) *Notice of inadmissibility or detention.* If an engine is determined to be inadmissible before release from Customs custody, or inadmissible after release from Customs custody, the importer or consignee shall be notified in writing of the inadmissibility determination and/or redelivery requirement. However, if an engine cannot be released from Customs custody merely because the importer has failed to furnish with the entry the information required by paragraph (n) of this section, the engine shall be held in detention by the port director for a

period not to exceed 30 days after filing of the entry at the risk and expense of the importer pending submission of the missing information. An additional 30-day extension may be granted by the port director upon application for good cause shown. If at the expiration of a period not over 60 days the required documentation has not been filed, a notice of inadmissibility will be issued.

(q) *Disposal of engines not entitled to admission.* An engine denied admission under any provision of this section shall be disposed of in accordance with applicable Customs laws and regulations. However, an engine will not be disposed of in a manner in which it may ultimately either directly or indirectly reach a consumer in a condition in which it is not in conformity with applicable EPA emission requirements.

(r) *Prohibited importations.* The importation of nonroad engines otherwise than in accordance with this section and the regulations of EPA in 40 CFR parts 89 and 90 is prohibited.

George J. Weise,
Commissioner of Customs.

Approved: June 24, 1996.
Dennis M. O'Connell,
Acting Deputy Assistant Secretary of the Treasury.
[FR Doc. 96–21843 Filed 8–26–96; 8:45 am]
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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 105

[Docket No. 95N–310F]

Revocation of Certain Regulations Affecting Food

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; confirmation of effective date.

SUMMARY: The Food and Drug Administration (FDA) is confirming the effective date of July 3, 1996, of the final rule published in the Federal Register of June 3, 1996 (61 FR 27771), that revoked regulations on diabetic labeling and on sodium intake labeling. These regulations were among those regulations identified by the agency for revocation as a result of a page-by-page review of its regulations that cover food and cosmetics. This regulatory review was in response to the administration's "Reinventing Government" initiative that seeks to streamline government and

to ease the burden on regulated industry and consumers.

DATES: Effective date confirmed: July 3, 1996. This revocation is applicable for all products initially introduced or initially delivered for introduction into interstate commerce on or after this date. Any labels or labeling that require revision as a result of this revocation shall comply no later than January 1, 1998.

FOR FURTHER INFORMATION CONTACT: Michelle A. Smith, Center for Food Safety and Applied Nutrition (HFS–158), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–5099.

SUPPLEMENTARY INFORMATION: In the Federal Register of June 3, 1996 (61 FR 27771), FDA issued a final rule entitled "Revocation of Certain Regulations Affecting Food" that, among other things, revoked regulations on diabetic labeling in § 105.67 (21 CFR 105.67) and on sodium intake labeling in § 105.69 (21 CFR 105.69).

FDA gave interested persons until July 3, 1996, to file written objections to the revocation of these regulations and to request a hearing on the specific provisions to which there were objections. No objections or requests for hearing were received in response to the final regulation.

List of Subjects in 21 CFR Part 105

Dietary foods, Food grades and standards, Food labeling, Infants and children.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201, 401, 403, 409, 411, 701, 721 of (21 U.S.C. 321, 341, 343, 348, 350, 371, 379e)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), notice is hereby given that no objections were received, and that the removal of § 105.67 on diabetic labeling and § 105.69 on sodium intake labeling became effective on July 3, 1996. Any labels or labeling that require revision as a result of this revocation shall comply no later than January 1, 1998.

Dated: August 15, 1996.

William K. Hubbard,
Associate Commissioner for Policy Coordination.

[FR Doc. 96–21528 Filed 8–26–96; 8:45 am]
BILLING CODE 4160–01–F

21 CFR Part 520

Oral Dosage Form New Animal Drugs; Ivermectin Tablets and Chewable Cubes; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a final rule that appeared in the Federal Register of July 31, 1996 (61 FR 39867). The document amended the animal drug regulations to reflect approval of two supplemental new animal drug applications (NADA's) filed by Merck Research Laboratories, Division of Merck & Co., Inc. The document was published with a typographical error in the title. This document corrects that error.

EFFECTIVE DATE: July 31, 1996.

FOR FURTHER INFORMATION CONTACT: Marcia K. Larkins, Center for Veterinary Medicine (HFV-112), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-827-0137.

In FR Doc. 96-19410, appearing on page 39867 in the Federal Register of Wednesday, July 31, 1996, the following correction is made: On page 39867, in the second column, the title of the document is corrected to read "Oral Dosage Form New Animal Drugs; Ivermectin Tablets and Chewable Cubes."

Dated: August 19, 1996.

Robert C. Livingston,
*Director, Office of New Animal Drug
Evaluation, Center for Veterinary Medicine.*
[FR Doc. 96-21848 Filed 8-26-96; 8:45 am]
BILLING CODE 4160-01-F

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 667

[FHWA Docket No. 95-28]

RIN 2125-AD69

Elimination of Regulations Concerning the Public Lands Highways Discretionary Funds Program

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: The FHWA is eliminating its regulations outlining the procedures to be followed in administering the Public Lands Highways (PLH) discretionary funds program. These provisions have become outdated and unnecessary as a result of amendments made by the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) (Pub. L. 102-240, 105 Stat. 1914) to the statutory provisions in title 23 of the United States Code (U.S.C.) which authorize distribution of some of the funds appropriated for Public Lands Highways

among the States on the basis of need. These amendments to title 23, U.S.C., significantly modify and clarify the eligibility criteria and selection process of the PLH discretionary program; as a result, the FHWA regulations concerning the PLH discretionary program have become obsolete. Consequently, in the interests of streamlining FHWA regulations and providing more flexibility in the administration of this program in accordance with the President's Regulatory Reinvention Initiative, the FHWA is eliminating these regulations. **EFFECTIVE DATE:** September 26, 1996.

FOR FURTHER INFORMATION CONTACT: Mr. Mohan P. Pillay, Office of Engineering, HNG-12, (202) 366-4655 or Mr. Wilbert Baccus, Office of the Chief Counsel, HCC-32, (202) 366-1397, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: Through the PLH Discretionary Program, the FHWA administers the allocation of Federal funds in the manner authorized by § 202(b) of title 23 of the U.S.C. "among those States having unappropriated or unreserved public lands, nontaxable Indian lands or other Federal reservations." Approximately \$50 million was made available to the States for the PLH Discretionary Program in FY 1996. The statute directs that 34 percent of the sums appropriated for public lands highways in a given fiscal year is to be allocated on the basis of need among qualifying States that apply for such funds through their State highway departments. 23 U.S.C. 202(b). The statute also provides that these PLH funds are available for any kind of transportation project eligible for assistance under title 23, U.S.C., that is within or adjacent to or provides access to public lands areas. 23 U.S.C. 204(b).

Although Congress did not direct that regulations be promulgated to implement the funding scheme established by this statute, the FHWA did promulgate regulations which outline the procedures for administering the PLH Discretionary Program. These regulations, for the most part, merely reiterate the application process and selection criteria outlined in the statute. For instance, the statute establishes that PLH discretionary funds are to be distributed on the basis of need among the States that apply through their State highway departments and that preference is to be given to those projects which are significantly impacted by Federal land and resource

management activities. Part 667 restates these provisions, but it also supplements the statutory provisions with overly detailed descriptions of factors to be considered in the selection process and of the steps taken in the application and selection procedure. In addition, part 667 restates some of the factors established in the statute as defining the eligibility of certain projects for these funds.

The eligibility criteria and selection process of the PLH discretionary program were modified and greatly clarified by amendments to title 23, U.S.C., that were enacted as part of the ISTEA (Pub. L. 102-240, 105 Stat. 1914). One change resulting from these amendments is that title 23, U.S.C., now provides a more detailed explanation of the kinds of projects which are eligible for PLH discretionary funds. The regulation delineating eligibility criteria in part 667 states that funds may be used for "engineering and construction of the mainline roadway including adjacent vehicular parking areas and construction elements related to scenic easements." (§ 667.7.) After the ISTEA amendments, title 23, U.S.C., now includes a provision entitled "Eligible Projects" which lists adjacent vehicular parking areas and acquisition of necessary scenic easements as two of seven types of projects qualifying for PLH funds.

These PLH regulations have also now become inconsistent with title 23, U.S.C., as a result of the ISTEA amendments. Section 667.7 of the regulations states that "funds may not be used for right-of-way costs, maintenance or other ancillaries such as sanitary, water and fire control facilities"; however, the list of eligible projects added to title 23, U.S.C., by the ISTEA includes, "construction and reconstruction of roadside rest areas including sanitary and water facilities." Thus, in general, the provisions regarding eligibility for PLH discretionary funds currently included in the FHWA regulations have become both outdated and unnecessary.

Amendments to title 23, U.S.C., added by the ISTEA also modify the selection process and the factors that will be taken into account in allocating PLH discretionary funds among the States. As a result of the ISTEA amendments, title 23, U.S.C., now states that preference will still be given to projects which are significantly impacted by Federal land and resource management activities, but now such preference will be given only if these projects are proposed by a State which contains at least 3 percent of the total public lands in the Nation. In light of this statutory