

- (Q) Notifying party's name ¹;
- (R) Notifying party's address ¹;
- (S) Piece count;
- (T) General description of goods;
- (U) Container number(s); and
- (V). Seal number(s).
- (ii) *AES manifest*:
- (A) Carrier code;
- (B) Vessel country code;
- (C) Vessel name;
- (D) Voyage number;
- (E) Port of lading;
- (F) Foreign port of unloading;
- (G) Manifest quantity;
- (H) Manifest units;
- (I) General description of goods;
- (J) Shipper's name ¹; and
- (K) Shipper's address ¹.

Michael H. Lane,

Acting Commissioner of Customs.

Approved: June 5, 1996.

John P. Simpson,

Deputy Assistant Secretary of the Treasury.

[FR Doc. 96-23360 Filed 9-11-96; 8:45 am]

BILLING CODE 4820-02-M

19 CFR Part 123

RIN 1515-AB90

Port Passenger Acceleration Service System (PORTPASS) Program

AGENCY: Customs Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes to amend the Customs Regulations to reference certain Immigration and Naturalization Service (INS) Regulations that provide for land-border inspection programs jointly developed with Customs. These land-border inspection programs—collectively known as Port Passenger Acceleration Service System (PORTPASS)—are designed to facilitate the processing of certain identified, pre-registered, low-risk travelers along the United States border who frequently cross at certain areas by exempting them from normal report of arrival and presentation for inspection requirements, while still safeguarding the integrity of the United States land border. Participation in PORTPASS is voluntary and annual application fees are charged by the INS.

DATES: Comments must be received on or before November 12, 1996.

ADDRESSES: Written comments (preferably in triplicate) may be addressed to the Regulations Branch, Office of Regulations and Rulings, U.S. Customs Service, Franklin Court, 1301 Constitution Avenue, NW, Washington, D.C. 20229. Comments submitted may be inspected at the Regulations Branch, Office of Regulations and Rulings, U.S.

Customs Service, Franklin Court, 1099 14th St., NW, Suite 4000, Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Joseph O'Gorman, Office of Field Operations, Passenger Operations Division, (202) 927-0543.

SUPPLEMENTARY INFORMATION:

Background

Reporting and Inspection Requirements

Except as otherwise authorized by the Secretary, all individuals arriving in the United States are required to (1) Enter only at designated border crossing points, (2) immediately report their arrival to Customs (and other Federal inspection agencies, such as the Immigration and Naturalization Service (INS), that have reporting requirements), and (3) present themselves and their vehicle, and all persons and merchandise (including baggage) on board, for inspection, and may not depart from the designated customs border crossing point until authorized to do so. 19 U.S.C. 1433 and 1459. Failure to report such arrival and make such presentation for inspection may result in the individual being liable for certain civil and criminal penalties, as provided under 19 U.S.C. 1459, in addition to other penalties applicable under other provisions of law, see, 19 U.S.C. 1436 and 1497. Customs reporting and inspection requirements applicable to individuals entering the U.S. at land border crossings are delineated at § 123.1, Customs Regulations (19 CFR 123.1).

Low-Risk Border-Crossing Facilitating Programs

At certain remote locations along the U.S. land border, these reporting and inspection requirements often burden low-risk local residents needing to cross the international border by requiring them to travel to a land border crossing which may be located a considerable distance away. Further, the hours of the most convenient land-border crossing may be limited to 8 hours during the day. To facilitate the entry processing of such low-risk travelers, Customs and the Immigration and Naturalization Service (INS) have developed certain technologically-innovative land-border inspection programs, collectively known as the Port Passenger Accelerated Service System (PORTPASS). (See INS document at 60 FR 50386, September 29, 1995, implementing land border facilitating programs, codified at 8 CFR 235.13). Two land border entry facilitation programs have been developed thus far under the PORTPASS: One concerns

travellers that enter the U.S. through designated lanes at busy Port of Entry (POE) crossings (the Dedicated Commuter Lane (DCL) program); the other concerns local residents who enter the U.S. at remote land border crossings (the Automated Permit Port (APP) program).

The Dedicated Commuter Lane Program

The DCL program is designed to expedite the entry of low-risk travelers in privately-owned vehicles through a staffed POE by use of dedicated express lanes, without inhibiting Customs mandate to enforce the customs laws of the U.S. and those laws enforced or administered by Customs, including the prevention of illegal entry of both aliens and controlled substances into the U.S. The DCL program was implemented as a pilot program in 1991 at the Peace Arch crossing in Blaine, Washington. See, 8 CFR 286.8. Program specifics and eligibility requirements for participation in the DCL program are delineated at § 235.13 of the INS Regulations (8 CFR 235.13).

The Automated Permit Port Program

The APP program is designed to facilitate border crossings in remote areas by local residents identified as low-risk who are pre-authorized to enter the U.S. at designated APPs during periods when the port is closed, i.e., unstaffed by Customs and INS personnel, while still safeguarding the integrity of the U.S. border through the use of automated technology. Although it is anticipated that APPs may be established wherever there exists identifiable groups of low-risk local residents along the U.S. border, at present the first of these APPs are expected to be established at Scobey, Montana, and at Forest City and Orient, Maine. For program specifics and eligibility requirements for participation in the APP program, again see § 235.13 of the INS Regulations.

Although it is only proposed in this document to amend § 123.1 of the Customs Regulations (19 CFR 123.1) to reference §§ 235.13 and 286.8 of the INS regulations (8 CFR 235.13 and 286.8), which provide for the PORTPASS program, a general description of the PORTPASS program requirements follows.

PORTPASS Requirements in General

(1) *Eligibility.* Participation in PORTPASS is voluntary. Currently, applicants must be either citizens of the U.S., legal permanent residents of the U.S., citizens of Canada, landed immigrants of Canada who are citizens of the Commonwealth countries, or

other non-immigrants as determined by the Commissioner of the U.S. Immigration Service.

(2) *Application.* Application for participation in either or both facilitated-entry programs under PORTPASS—DCL and APP—is made by completing INS Form I-823 (Application—Inspections Facilitation Programs) and paying a non-refundable, annual application fee to the INS, which is authorized to be collected under their user-fee legislation. The fee is US\$25 per applicant, with the maximum amount payable by a family (husband, wife, and minor children under 18 years of age) set at US\$50. These fees may be waived for APP applicants. If fingerprints are required, a separate fingerprinting processing fee will be charged. Applications must be supported by evidence of citizenship and, in the case of lawful permanent residents of either the U.S. or Canada, evidence of legal permanent resident status in the U.S. or Canada. Evidence of residency must be submitted by all applicants. Alien applicants requiring a valid visa must be in possession of such documentation and any other documentation required by the Immigration and Nationality Act (see, 8 U.S.C. 1201 *et seq.*, as amended) at the time of the application, at the time of each entry, and at all times while present in the United States. Applications can be mailed or submitted, during regular working hours, to Customs/INS personnel at the POE having jurisdiction over the particular border crossing for which the applicant requests PORTPASS participation. Each applicant must present him/herself for inspection by a Customs/Immigration Officer prior to approval of the application and agree to abide by the conditions specified at paragraph (4) below. Further, regarding the DCL program, each vehicle registered by a PORTPASS participant must be inspected and approved prior to its use in that program.

Once accepted into a PORTPASS program, an identity card, decal, or other appropriate identifying device is issued to identify the participant—and vehicle, in the case of the DCL program—authorized to participate in a program. However, such identification items remain the property of the U.S. Government and will be removed/surrendered when participation is revoked or upon expiration of the authorized period of use. Authorization to participate in PORTPASS is valid for one year from the date of acceptance; however, participation may be renewed annually upon reapplication and payment of the required application fee.

(3) *Denial of application.* An application may be denied at the discretion of either Service—Customs or INS—having jurisdiction over the land border crossing point. The specific reason(s) for denying an application will be personally explained to the applicant. While there will be no appeal from a denial, because the denial will be without prejudice, the applicant may reapply immediately.

(4) *Conditions for participation in PORTPASS.* Because participation in the PORTPASS programs constitutes an exception to the normal reporting and presentation for inspection requirements contained at 19 CFR 123.1, participants must agree to abide by the following conditions:

(i) Facilitated entry into the U.S. is authorized only at the land-border crossing approved. Participants who wish to enter the U.S. through other land-border crossings must make separate application for each land-border crossing and comply with all applicable program requirements.

(ii) Whenever an authorized vehicle carries passengers, each passenger must be individually authorized under the same PORTPASS program to make facilitated entry into the U.S. at that land-border crossing.

(iii) Participants must be in possession of all documents issued that authorize participation in the PORTPASS program and any other entry documents as required by regulation each time facilitated entry is made into the U.S. For example, alien applicants requiring either a valid visa or Nonresident Alien Border Crossing Identification Card must be in possession of such documentation each time facilitated entry into the U.S. is made.

(iv) Participants shall not import merchandise in excess of applicable personal duty exemptions (see generally, subparts D (for residents) and E (for nonresidents) of 19 CFR Part 148), negotiable instruments in amounts subject to reporting requirements, commercial merchandise, or prohibited/restricted merchandise. Importation of such merchandise precludes facilitated entry into the U.S. under PORTPASS and requires the application of normal entry procedures established under the Customs laws and regulations and the laws and regulations administered by other Federal inspection agencies.

(v) Participants agree to abide by all Federal, state, and local laws regarding the importation of alcohol or agricultural products or the importation or possession of controlled substances, as defined at section 101 of the

Controlled Substance Act (21 U.S.C. 802).

(vi) Participants agree that Customs retains the right to conduct inspections within its legal authority to ensure compliance with PORTPASS requirements.

Violation of any of the conditions applicable to facilitated entry or other Customs laws and regulations and other laws and regulations administered by Federal inspection agencies will result in revocation of PORTPASS participation authorization and may lead to other applicable sanctions, such as administrative and/or criminal prosecution, deportation (if applicable), as well as possible seizure of the goods and/or the vehicle.

As stated above, it is only proposed in this document to amend § 123.1 of the Customs Regulations (19 CFR 123.1) to reference the INS regulations at §§ 235.13 and 286.8, which provide the program specifics for the PORTPASS.

Comments

Before adopting this proposed regulation as a final rule, consideration will be given to any written comments timely submitted to Customs. Comments submitted will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), § 1.4 of the Treasury Department Regulations (31 CFR 1.4), and § 103.11(b) of the Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9 a.m. and 4:30 p.m. at the Regulations Branch, Office of Regulations and Rulings, U.S. Customs Service, Franklin Court, 1099 14th St., NW., 4th floor, Washington, DC.

Inapplicability of the Regulatory Flexibility Act, and Executive Order 12866

Pursuant to provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), it is certified that, if adopted, the proposed amendments will not have a significant economic impact on a substantial number of small entities, as the proposed amendments concern the entry status of individuals. Accordingly, the proposed amendments are not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604. This amendment does not meet the criteria for a “significant regulatory action” as specified in Executive Order 12866.

Drafting Information: The principal author of this document was Gregory R. Vilders, Attorney, Regulations Branch. However, personnel from other offices participated in its development.

List of Subjects

19 CFR Part 123

Administrative practice and procedure, Aliens, Canada, Customs duties and inspection, Fees, Forms, Immigration, Imports, Mexico, Reporting and recordkeeping requirements, Test programs.

Amendments to the Regulations

For the reasons stated above, it is proposed to amend part 123 of the Customs Regulations (19 CFR part 123), as set forth below:

PART 123—CUSTOMS RELATIONS WITH CANADA AND MEXICO

1. The authority citation for part 123 continues to read as follows:

Authority: 19 U.S.C. 66, 1202 (General Note 20, Harmonized Tariff Schedule of the United States (HTSUS)), 1431, 1433, 1624.

* * * * *

2. In § 123.1, it is proposed to amend the first sentence in paragraph (a) by adding the words “, unless excepted by voluntary enrollment in and compliance with PORTPASS—a joint Customs Service/Immigration and Naturalization Service facilitated entry program (See, Immigration and Naturalization Regulations at 8 CFR 235.13),” after the words “Individuals arriving in the United States”; and, to amend paragraph (b) by removing the second and third sentences and adding, in their place, the sentence that reads as follows:

§ 123.1 Report of arrival from Canada or Mexico and permission to proceed.

* * * * *

(b) *Vehicles.* * * *. Upon arrival of the vehicle in the U.S., the driver shall, unless he or she and all of the vehicle's occupants are excepted by enrollment in, and in compliance with, PORTPASS—a joint Customs Service/Immigration and Naturalization Service facilitated entry program (See, Immigration and Naturalization Regulations at 8 CFR 235.1 and 286.8), immediately report such arrival to Customs, and shall not depart or discharge any passenger or merchandise (including baggage) without authorization by the appropriate Customs officer.

* * * * *

Approved: July 29, 1996.

George J. Weise,

Commissioner of Customs.

Dennis M. O'Connell,

Acting Deputy Assistant Secretary of the Treasury.

[FR Doc. 96-23361 Filed 9-11-96; 8:45 am]

BILLING CODE 4820-02-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Food and Drug Administration****21 CFR Parts 70, 71, 80, 101, 107, 170, 172, 173, 174, 175, 177, 178, 184, and 1250**

[Docket No. 96N-0149]

RIN 0910-AA69

Reinvention of Regulations Needing Revisions; Request for Comments on Certain Regulations

AGENCY: Food and Drug Administration, HHS.

ACTION: Advance notice of proposed rulemaking; extension of comment period.

SUMMARY: The Food and Drug Administration (FDA) is extending the comment period on the advance notice of proposed rulemaking to reinvent certain regulations; the advance notice appeared in the Federal Register of June 12, 1996 (61 FR 29701). The agency is taking this action in response to several requests for an extension of the comment period. This extension is intended to allow interested persons additional time to submit comments to FDA on the proposed reinvention of certain regulations.

DATES: Written comments by October 10, 1996.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Corinne L. Howley, Center for Food Safety and Applied Nutrition (HFS-24), 200 C St., SW, Washington, DC 20204, 202-205-4272.

SUPPLEMENTARY INFORMATION: In the Federal Register of June 12, 1996 (61 FR 29701), FDA issued an advance notice of proposed rulemaking to reinvent certain regulations that appear to need revision. These regulations were identified by FDA as candidates for revocation following a page-by-page review of its regulations that the agency conducted in response to the Administration's "Reinventing Government" initiative. Interested person were given until September 10, 1996, to comment on the advance notice.

FDA received several requests for an extension of the comment period on its advance notice of proposed rulemaking to reinvent certain regulations. After careful consideration, FDA has decided

to extend the comment period to October 10, 1996, to allow additional time for the submission of comments on whether the regulations discussed in the advance notice should be revised.

Interested persons may, on or before October 10, 1996, submit to Dockets Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 9, 1996.

William B. Schultz,

Deputy Commissioner for Policy.

[FR Doc. 96-23481 Filed 9-10-96; 11:02 am]

BILLING CODE 4160-01-F

21 CFR Part 101

[Docket No. 96N-0244]

Food Labeling; Declaration of Free Glutamate in Food

AGENCY: Food and Drug Administration, HHS.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Food and Drug Administration (FDA) is considering establishing requirements for label information about the free glutamate content of foods. The recent finding of the Federation of American Societies for Experimental Biology (FASEB) that oral ingestion of 3 or more grams (g) of monosodium glutamate (MSG) without food can cause adverse reactions in certain otherwise healthy individuals has prompted the agency to consider what action is necessary to protect consumers from inadvertently ingesting levels of MSG or other forms of free glutamate that could cause an adverse reaction. Thus, the agency seeks public comment on whether additional labeling requirements are necessary to protect glutamate-intolerant consumers from adverse reactions, and, if so, how such labeling requirements should be implemented. The agency also solicits comment on establishing formal criteria for the use of claims about the absence of MSG to ensure that labels bearing such claims are not misleading. The agency solicits comment on whether such criteria should be based on a defined threshold level of free glutamate in a finished food, on the ingredients used in the food, or both.