

or TACON; § 97.25, LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

* * * *Effective December 5, 1996*

Bethel, AK, Bethel, MLS RWY 36, Orig
Telluride, CO, Telluride Regional, LOC/DME RWY 9, Orig
Springfield, IL, Capital, NDB RWY 22, Orig
Springfield, IL, Capital, ILS RWY 22, Amdt 7
Fort Wayne, IN, Fort Wayne Intl, NDB or GPS RWY 32, Amdt 25
Fort Wayne, IN, Fort Wayne Intl, LOC BC RWY 14, Amdt 13
Fort Wayne, IN, Fort Wayne Intl, ILS RWY 32, Amdt 28
Pinecreek, MN, Piney Pinecreek Border, NDB RWY 33, Orig
Dayton, OH, Greene County, GPS RWY 7, Orig
Memphis, TN, Memphis Intl, ILS RWY 18L, Orig
Memphis, TN, Memphis Intl, ILS RWY 18R, Amdt 11
Memphis, TN, Memphis Intl, ILS RWY 36R, Orig
Memphis, TN, Memphis Intl, ILS RWY 36L, Amdt 12

* * * *Effective January 2, 1997*

Paragould, AR, Kirk Field, NDB RWY 22, Orig
Chadron, NE, Chadron Muni, VOR OR GPS RWY 20, Amdt 6A, Cancelled

* * * *Effective January 30, 1997*

Aniak, AK, Aniak, GPS RWY 10, Orig
Buckland, AK, Buckland, GPS RWY 10, Orig
Homer, AK, Homer, GPS RWY 21, Orig
Petersburg, AK, James A Johnson Petersburg, GPS-B, Orig
Sand Point, AK, Sand Point, GPS-C, Orig
Sitka, AK, Sitka, GPS RWY 11, Orig
Wainwright, AK, Wainwright, GPS RWY 4, Orig
Wainwright, AK, Wainwright, GPS RWY 22, Orig
Merced, CA, Merced Muni/Macready Field, VOR OR GPS RWY 30, Amdt 17
Merced, CA, Merced Muni/Macready Field, LOC BC RWY 12, Amdt 9
Merced, CA, Merced Muni/Macready Field, ILS RWY 30, Amdt 13
Alamosa, CO, San Luis Valley Regional/Bergman Field, GPS RWY 2, Amdt 1
Durango, CO, Durango-La Plata County, GPS RWY 2, Orig
Fernandina Beach, FL, Fernandina Beach Muni, GPS RWY 13, Orig
Donalsonville, GA, Donalsonville Muni, GPS RWY 18, Orig
Donalsonville, GA, Donalsonville Muni, GPS RWY 36, Orig
Decatur, IL, Decatur, GPS RWY 30, Orig
Starkville, MS, George M Bryan, GPS RWY 18, Orig
Las Vegas, NV, McCarran Intl, VOR RWY 25L/R, Amdt 1
Las Vegas, NV, McCarran Intl, GPS RWY 1R, Orig

Frederick, OK, Frederick Muni, GPS RWY 35L, Orig
Hot Springs, VA, Ingalls Field, GPS RWY 6, Orig
Luray, VA, Luray Caverns, GPS RWY 22, Orig
Mineral Point, WI, Iowa County, GPS RWY 4, Orig

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DEPARTMENT OF COMMERCE

Bureau of the Census

15 CFR Part 30

[Docket No. 960606162-6293-02]

RIN 0607-AA21

Collection of Canadian Province of Origin Information on Customs Entry Records

AGENCIES: Bureau of the Census, Commerce and U.S. Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: The Bureau of the Census (Census) has determined that Canadian Province of Origin information is required for all U.S. imports that originate in Canada. Census has asked the U.S. Customs Service (Customs) to begin collecting this information. This action is taken to fulfill the requirements of the 1987 agreement between the United States and Canada under which the countries agreed to replace their requirements for reporting export data by substituting exchanged import information. The Department of Treasury concurs with the provisions contained in this final rule.

EFFECTIVE DATE: This rule will become effective February 27, 1997.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to C. Harvey Monk, Jr., Bureau of the Census, Washington, D.C. 20233, by telephone on (301) 457-2255 or by fax on (301) 457-2645. For information on the specific Customs reporting requirements contact: J. Edgar Nichols, U.S. Customs Service, Room 6216, 1301 Constitution Avenue, N.W., Washington, D.C. 20229, by telephone on (202) 927-1426 or by fax on (202) 927-0165.

SUPPLEMENTARY INFORMATION: Effective in January 1990, the United States and Canada each replaced their requirements for reporting export data by agreeing to substitute exchanged import information. This substitution of exchanged import information allowed the countries to eliminate the requirements that exporters in both

countries provide separate export information on the millions of shipments crossing the U.S. and Canadian border each year. A Memorandum of Understanding (MOU) implementing the exchange was signed by the United States and Canada on July 29, 1987.

Under the terms of the MOU, the United States and Canada agreed to collect several new data elements on their respective import records. These elements improve both countries' statistical data and allow elimination of export reporting. One of the data elements that the United States agreed to collect in the MOU is the Canadian Province of Origin where the specific goods exported to the United States were produced. Census has attempted in the past to derive this information from related information now reported on Customs entry records as part of the required Identification of the Foreign Manufacturer. The quality of this derived information, however, has proven unsatisfactory. In many cases the Province currently reported does not identify the location where the goods were manufactured or assembled or mined, grown, or otherwise produced. Instead, it represents a corporate headquarters or the location of the Canadian vendor.

Response to Comments

The Census Bureau issued a Notice of Proposed Rulemaking and Request for Comments in the Federal Register (61 FR 36318) on Wednesday, July 10, 1996. The Bureau of the Census received eight letters commenting on the proposed rule. The Census Bureau replied to each of these respondents.

Two of the respondents pointed out an ambiguity in the definition of province of origin. In order to clarify this definition, the wording in the program requirements and the Foreign Trade Statistics Regulations (FTSR), 15 CFR 30.80 (a) and (b), is modified. The wording is changed to clarify that for goods determined under applicable Customs rules to originate in Canada, the Canadian province of origin should be: (1) For manufactured or assembled goods, that province in which the final manufacture or assembly is performed prior to exporting the goods to the United States; and (2) For nonmanufactured goods, that province where the goods were originally grown, mined, or otherwise produced. One of these respondents also expressed concern that the notice was establishing new criteria for determining the origin of goods for imports from Canada. In order to clarify this issue, the wording in the program requirements and the

FTSR, 15 CFR 30.80, is changed to emphasize that the determination of country of origin continues under applicable Customs rules of origin. In light of these comments, the final rule is revised as referenced above.

Five of the respondents expressed concern with the expected burdens either to U.S. importers or Canadian exporters in determining the actual Canadian Province of Origin. Some respondents stress that this is of particular concern when the exporter is a distributor shipping goods from various Canadian manufacturers. In response to these comments, we note in the rule that when the true Province of Origin is unknown, the location of the vendor can be reported.

The eighth respondent proposed a revision to the definition of the Province of Manufacture for reporting softwood lumber. This definition was established by a final rule published on April 9, 1996 and was not directly addressed in the proposed rule. Thus, no change to the final rule has been made with respect to this specific comment. However, some minor changes were made to make the wording consistent throughout 15 CFR 30.80.

Program Requirements

In order to comply with the MOU, the two-letter designation of the Canadian Province of Origin must be reported on U.S. entry summary records when the Country of Origin is Canada. This information is required only for United States imports that under applicable Customs rules of origin are determined to originate in Canada. For nonmanufactured goods determined to originate in Canada, the Province of Origin is defined as the province where the imported goods were originally grown, mined, or otherwise produced. For goods of Canadian origin that are manufactured or assembled in Canada, with the exception of specific softwood lumber products, the Province of Origin is that in which the final manufacture or assembly is performed prior to exporting that good to the United States. In cases where the Province in which the merchandise was manufactured, assembled, grown, mined, or otherwise produced is unknown, the Province in which the Canadian vendor is located may be reported.

For all shipments of certain softwood lumber products classified under U.S. Harmonized System tariff items 4407.1000, 4409.1010, 4409.1090, or 4409.1020, the Census Bureau began, effective April 5, 1996, to require information on Canadian Province of Manufacture. This requirement was made to allow the United States to carry

out the requirements of an agreement concluded with Canada on the amount of certain softwood lumber products exported to the United States annually.

The reporting of the Province of Origin applies to the paper as well as Automated Broker Interface (ABI) entry summaries. For those reporting on paper forms, the Province of Origin code is to replace the Country of Origin data on the Customs Form (CF) 7501, Entry Summary. This requirement would apply only for imports for which the Country of Origin is Canada.

All electronic Automated Broker Interface (ABI) Entry Summaries for imports originating in Canada would also require the new Canadian Province of Origin code to be reported when the Country of Origin is Canada. The Province of Origin should be transmitted for each entry summary line item in the A40 record positions 6-7.

Collection of Information Requirements

For imports of Canada only, the Province of Origin Code replaces the Country of Origin data on the CF 7501, Entry Summary form and in positions 6-7 of the ABI A40 electronic record.

Valid Canadian Province/Territory Codes are:

XA—Alberta
 XB—New Brunswick
 XC—British Columbia
 XM—Manitoba
 XN—Nova Scotia
 XO—Ontario
 XP—Prince Edward Island
 XQ—Quebec
 XS—Saskatchewan
 XT—Northwest Territories
 XW—Newfoundland
 XY—Yukon Territory

The authority to collect this information is provided under Title 13, United States Code, Section 301 (13 U.S.C. 301). This legislation authorizes the Secretary of Commerce to collect from persons importing into or exporting from the United States necessary or appropriate information to foster, promote, develop, and further the commerce, domestic and foreign, of the United States.

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number.

The collection of information on Canadian Province of Origin supplements information currently required on the Customs paper form CF

7501 and the ABI automated electronic reporting form A40 for specific softwood lumber imports from Canada. The collection of information requirement contained in this Rulemaking has been approved by the Office of Management and Budget (OMB) under OMB Control No. 1515-0065. For further information on the OMB submission, contact J. Edgar Nichols, U.S. Customs Service, Room 6216, 1301 Constitution Avenue, N.W., Washington, D.C. 20229-0001, by telephone on (202) 927-1426 or by fax (202) 927-0165.

Rulemaking Requirements

This rule is exempt from all requirements of Section 553 of the Administrative Procedures Act because it deals with a foreign affairs function (5 U.S.C. 553 (a)(1)).

This rule is exempt from the requirements of Executive Order 12866.

This rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under Executive Order 12612.

List of Subjects in 15 CFR Part 30

Economic statistics, Foreign trade, Imports, Reporting and recordkeeping requirements.

For the reasons set out in the preamble, Part 30 is amended as follows:

PART 30—FOREIGN TRADE STATISTICS REGULATIONS

1. The authority citation for 15 CFR Part 30 continues to read as follows:

Authority: 5 U.S.C. 301; 13 U.S.C. 301-307; Reorganization Plan No. 5 of 1950 (3 CFR 1949-1953 Camp., 1004); Department of Commerce Organization Order No. 35-2A, August 4, 1975, 40 CFR 42765.

Subpart F—Special Provisions for Particular Types of Import Transactions

2. Section 30.80 is amended to add paragraphs (a), (b), (c), and (d) to read as follows:

§ 30.80 Imports from Canada.

* * * * *

(a) When certain softwood lumber products described under *Harmonized Tariff Schedule of the United States* (HTSUS) subheadings 4407.1000, 4409.1010, 4409.1090, and 4409.1020 are imported from Canada, import entry records are required to show a valid Canadian Province of Manufacture Code. The Canadian Province of Manufacture is determined on a first mill basis (the point at which the item

was first manufactured into a covered lumber product). For purposes of determination, Province of Manufacture is the first province where the subject merchandise underwent a change in tariff classification to the tariff classes cited in this paragraph (a). The Province of Manufacture Code should replace the Country of Origin code on the CF 7501, Entry Summary form. For electronic Automated Broker Interface (ABI) entry summaries, the Canadian Province Code should be transmitted in positions 6-7 of the A40 records. These requirements apply only for imports of certain softwood lumber products for which the Country of Origin is Canada.

(b) All other imports from Canada, including certain softwood lumber products not covered in paragraph (a) of this section, will require the two-letter designation of the Canadian Province of Origin to be reported on U.S. entry summary records. This information is required only for United States imports that under applicable Customs rules of origin are determined to originate in Canada. For nonmanufactured goods determined to be of Canadian origin, the Province of Origin is defined as the Province where the exported goods were originally grown, mined, or otherwise produced. For goods of Canadian origin that are manufactured or assembled in Canada, with the exception of the certain softwood lumber products described in paragraph (a) of this section, the Province of Origin is that in which the final manufacture or assembly is performed prior to exporting that good to the United States. In cases where the province in which the merchandise was manufactured or assembled or grown, mined, or otherwise produced is unknown, the province in which the Canadian vendor is located can be reported. For those reporting on paper forms the Province of Origin code replaces the country of origin code on the CF 7501, Entry Summary form.

(c) All electronic Automated Broker Interface (ABI) entry summaries for imports originating in Canada also require the new Canadian Province of Origin code to be transmitted for each entry summary line item in the A40 record positions 6-7.

(d) The Province of Origin code replaces the Country of Origin code only for imports that have been determined, under applicable Customs rules, to originate in Canada.

Valid Canadian Province/Territory Codes are:

XA—Alberta
XB—New Brunswick
XC—British Columbia

XM—Manitoba
XN—Nova Scotia
XO—Ontario
XP—Prince Edward Island
XQ—Quebec
XS—Saskatchewan
XT—Northwest Territories
XW—Newfoundland
XY—Yukon Territory

Dated: November 21, 1996.
Martha Farnsworth Riche,
Director, Bureau of the Census.

Concurred:
Dated: November 1, 1996.
John P. Simpson,
Deputy Assistant Secretary (Regulatory, Tariff & Trade Enforcement), Department of the Treasury.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 177

[Docket No. 96F-0031]

Indirect Food Additives: Polymers

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of 1,2-benzisothiazolin-3-one as a biocide in rubber latex for use in the manufacture of rubber articles intended for repeated use in contact with food. This action is in response to a petition filed by Reichhold Chemicals, Inc.

DATES: Effective November 29, 1996; written objections and requests for a hearing by December 30, 1996.

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

FOR FURTHER INFORMATION CONTACT: Vir D. Anand, Center for Food Safety and Applied Nutrition (HFS-216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-418-3081.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of February 8, 1996 (61 FR 4783), FDA announced that a food additive petition (FAP 3B4389) had been filed by Reichhold Chemicals, Inc., P.O. Box 13582, Research Triangle Park, NC 27709-3582. The petition proposed to

amend the food additive regulations in § 177.2600 *Rubber articles intended for repeated use* (21 CFR 177.2600) to provide for the safe use of 1,2-benzisothiazolin-3-one as a biocide in rubber latex for use in the manufacture of rubber articles intended for repeated use in contact with food.

In its evaluation of the safety of this additive, FDA has reviewed the safety of the additive itself and the chemical impurities that may be present in the additive resulting from its manufacturing process. Although the additive itself has not been shown to cause cancer, it has been found to contain minute amounts of carcinogenic polychlorinated dibenzo-*p*-dioxins and dibenzofurans as residual impurities in 1,2-benzisothiazolin-3-one. Residual amounts of reactants and manufacturing aids, such as polychlorinated dibenzo-*p*-dioxins and dibenzofurans, are commonly found as contaminants in chemical products, including food additives.

I. Determination of Safety

Under section 409(c)(3)(A) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 348(c)(3)(A)), "the so-called general safety clause" of the statute, a food additive cannot be approved for a particular use unless a fair evaluation of the data available to FDA establishes that the additive is safe for that use. FDA's food additive regulations (21 CFR 170.3(i)) define safe as "a reasonable certainty in the minds of competent scientists that the substance is not harmful under the intended conditions of use."

The food additives anticancer or Delaney clause (section 409(c)(3)(A) of the act) further provides that no food additive shall be deemed safe if it is found to induce cancer when ingested by man or animal. Importantly, however, the Delaney clause applies to the additive itself and not to impurities in the additive. That is, where an additive itself has not been shown to cause cancer, but contains a carcinogenic impurity, the additive is properly evaluated under the general safety clause using risk assessment procedures to determine whether there is a reasonable certainty that no harm will result from the proposed use of the additive, *Scott v. FDA*, 728 F. 2d 322 (6th Cir. 1984).

II. Safety of the Petitioned Use of the Additive

FDA estimates that the petitioned use of the additive, 1,2-benzisothiazolin-3-one, will result in exposure to the additive of no greater than 0.16 parts per billion (ppb), which equates to an