

remain the responsibility of the pilot or person in charge of the importing aircraft or the agent thereof until it is removed from his control in accordance with this paragraph. If the bonded warehouse operator fails to take possession of the merchandise or baggage within five working days after receipt of notification of the presence of the unentered and unreleased merchandise or baggage, he shall be liable for the payment of liquidated damages under the terms and conditions of his custodial bond (see § 113.63(a)(1) of this chapter).

§ 122.161 [Amended]

5. In § 122.161, the first sentence is amended by removing the reference “§ 122.14” and adding, in its place, the words “subpart S of this part” and by removing the reference “49 U.S.C. App. 1474” and adding, in its place, the reference “19 U.S.C. 1644 and 1644a”.

§ 122.165 [Amended]

6. In § 122.165, the first sentence of paragraph (a) is amended by removing the parenthetical reference “(49 U.S.C. App. 1508(b))” and adding, in its place, the parenthetical reference “(49 U.S.C. 41703)”, and the second sentence of paragraph (b) is amended by removing the reference “49 U.S.C. App. 1471” and adding, in its place, the reference “49 U.S.C. Chapter 463”.

PART 123—CUSTOMS RELATIONS WITH CANADA AND MEXICO

1. The general authority citation for part 123 and the specific authority citation for § 123.8 are revised to read, and the specific authority citation for § 123.1 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, 1436, 1448, 1624.

Section 123.1 also issued under 19 U.S.C. 1459;

* * * * *

Section 123.8 also issued under 19 U.S.C. 1450–1454, 1459;

* * * * *

2. The specific authority citation for § 123.11 is removed.

§ 123.1 [Amended]

3. In § 123.1, paragraph (a)(2) is amended by removing the words “sections 1433 or 1644 of title 19, United States Code (19 U.S.C. 1433, 1644), or section 1509 of title 49, United States Code App. (49 U.S.C. App. 1509),” and adding, in their place, the words “section 1433, 1644 or 1644a of title 19, United States Code (19 U.S.C. 1433, 1644, 1644a),”.

4. In subpart A, § 123.10 is added to read as follows:

§ 123.10 Lay order; general order.

(a) Any merchandise or baggage regularly landed but not covered by a permit for its release shall be allowed to remain at the place of unloading until the close of business on the fifth working day after the day the vehicle was entered. Within an additional five-working-day lay order period following the expiration of the original five-working day period after unloading, 19 U.S.C. 1448(a) requires the operator or owner of the vehicle or the agent thereof to notify Customs of any such merchandise or baggage for which entry has not been made. Such notification shall be provided in writing or by any Customs-authorized electronic data interchange system. Failure to provide such notification may result in assessment of a monetary penalty of up to \$1,000 per bill of lading against the operator or owner of the vehicle or the agent thereof as provided in 19 U.S.C. 1448(a).

(b) In addition to the notification to Customs referred to in paragraph (a) of this section, within five working days following the expiration of the lay order period specified in paragraph (a) of this section, 19 U.S.C. 1490(a) requires the operator or owner of the vehicle or the agent thereof to provide notification of the presence of such unreleased and unentered merchandise or baggage to a bonded warehouse certified by the port director as qualified to receive general order merchandise. Such notification shall be provided in writing or by any Customs-authorized electronic data interchange system. It shall then be the responsibility of the bonded warehouse proprietor to arrange for the transportation and storage of the merchandise or baggage at the risk and expense of the consignee. Any unentered merchandise or baggage shall remain the responsibility of the operator or person in charge of the importing vehicle or the agent thereof until it is removed from his control in accordance with this paragraph. If the bonded warehouse operator fails to take possession of the merchandise or baggage within five working days after receipt of notification of the presence of the unentered and unreleased merchandise or baggage, he shall be liable for the payment of liquidated damages under the terms and conditions of his custodial bond (see § 113.63(a)(1) of this chapter).

PART 148—PERSONAL DECLARATIONS AND EXEMPTIONS

1. The authority citation for part 148 continues to read in part as follows:

Authority: 19 U.S.C. 66, 1496, 1498, 1624. The provisions of this part, except for subpart C, are also issued under 19 U.S.C. 1202 (General Note 20, Harmonized Tariff Schedule of the United States).

* * * * *

§ 148.67 [Amended]

2. In § 148.67, paragraph (b) is amended by removing the words “section 1474 of title 49, United States Code,” and adding, in their place, the reference “19 U.S.C. 1644 and 1644a”.

PART 192—EXPORT CONTROL

1. The authority citation for Part 192 continues to read as follows:

Authority: 19 U.S.C. 66, 1624, 1627a, 1646a.

§ 192.4 [Amended]

2. In § 192.4, the first sentence is amended by removing the reference “46 U.S.C. App. 91” and adding, in its place, the reference “19 U.S.C. 1436” and the second sentence is amended by removing the words “a liability of not more than \$1,000 nor less than \$500 will be incurred” and adding, in their place, the words “a liability for penalties may be incurred”.

Samuel H. Banks,

Acting Commissioner of Customs.

Approved: May 21, 1997.

Dennis M. O'Connell,

Acting Deputy Assistant Secretary of the Treasury.

[FR Doc. 97–20227 Filed 7–30–97; 8:45 am]

BILLING CODE 4820–02–P

RAILROAD RETIREMENT BOARD

20 CFR Part 295

RIN 3220–AB29

Payments Pursuant to Court Decree or Court-Approved Property Settlement

AGENCY: Railroad Retirement Board.

ACTION: Proposed rule.

SUMMARY: The Railroad Retirement Board hereby proposes to amend its regulations under part 295 by eliminating the Medicare Part B premium as a deduction from the amount of benefits available for division in a divorce proceeding or property settlement related to a divorce or legal separation.

DATES: Comments must be received on or before September 29, 1997.

ADDRESSES: Secretary to the Board, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611.

FOR FURTHER INFORMATION CONTACT: Thomas W. Sadler, Senior Attorney, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611, telephone (312) 751-4513, TTD (312) 751-4701.

SUPPLEMENTARY INFORMATION: Part 295 describes the Board's requirements for obtaining an enforceable order directing the Board to partition a railroad retirement annuity incident to a divorce, settlement, or annulment. Section 295.1(b) describes what benefits are subject to division under this part. Section 295.5(e)(1) further defines the net amount of benefits subject to division as excluding amounts deducted for an employee's elected Medicare Part B premium. When § 295.5(e)(1) was initially approved in 1986, the Board was concerned about the risk that Medicare premium deductions might not be satisfied from the nondivisible portion of an employee's annuity in the event that the portion would not be payable due to work deductions. In practice, however, the agency has determined that only in rare cases is the nondivisible portion insufficient to accommodate the Medicare Part B deduction. The Medicare Part B premium is a personal expense elected to be made by the employee. The Board believes that it is more consistent with the nature of the Part B premium that it be paid entirely by the employee rather than, in effect, partly by the employee and partly by the divorced spouse. Accordingly, the agency proposes that the Medicare Part B deduction need not be deducted from the divisible benefits prior to partition in an action for divorce, settlement, or annulment.

The Board, with the concurrence of the Office of Management and Budget, has determined that this is not a significant regulatory action under Executive Order 12866; therefore, no regulatory impact analysis is required. There are no information collections associated with this rule.

List of Subjects in 20 CFR Part 295

Railroad employees, Railroad retirement.

For the reasons set out in the preamble, chapter II of title 20 of the Code of Federal Regulations is proposed to be amended as follows:

PART 295—PAYMENTS PURSUANT TO COURT DECREE OR COURT-APPROVED PROPERTY SETTLEMENT

1. The authority for part 295 continues to read as follows:

Authority: 45 U.S.C. 231f; 45 U.S.C. 231m.

§ 295.5 [Amended]

2. Section 295.5(e)(1) is amended by removing the comma after "Board" and by removing "and the amount of any Medicare Part B premium".

Dated: July 24, 1997.

By authority of the Board.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 97-20206 Filed 7-30-97; 8:45 am]

BILLING CODE 7905-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 50

[Docket No. 90N-0302]

Accessibility to New Drugs for Use in Military and Civilian Exigencies When Traditional Human Efficacy Studies Are Not Feasible; Determination Under the Interim Rule That Informed Consent Is Not Feasible for Military Exigencies; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Request for comments.

SUMMARY: The Food and Drug Administration (FDA) is requesting written comments related to the advisability of revoking or amending the interim final rule that permitted the Commissioner of Food and Drugs (the Commissioner) to determine that obtaining informed consent from military personnel for the use of an investigational drug or biologic is not feasible in certain situations related to military combat. The agency is also soliciting written comments identifying the evidence needed to demonstrate safety and effectiveness for such investigational drugs that cannot ethically be tested on humans for purposes of determining their efficacy. FDA is seeking written comments from all interested parties, including, but not limited to: Consumers, patient groups, veterans and veteran groups, active-duty military personnel, organizations and departments, ethicists, scientists, researchers with particular expertise in this area, and health care professionals. The written comments are intended to provide FDA with information to help the agency in making policy decisions on the use of investigational products during military exigencies and the appropriate evidence needed to demonstrate safety and effectiveness for

drug and biological products used in military or other exigencies when traditional human efficacy studies are not feasible.

DATES: Submit written comments by October 29, 1997.

ADDRESSES: Submit written comments on the questions identified in section II of this document (specifically referencing the number of the question(s) being addressed) to the Dockets Management Branch (HFA-305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1-23, Rockville, MD 20857. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Bonnie M. Lee, Office of the Executive Secretariat (HF-40), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-827-4450.

SUPPLEMENTARY INFORMATION:

I. Background

There will continue to be military combat situations in which there will be a threat to U.S. military personnel from the possible use of chemical and biological weapons. The Department of Defense (DOD), therefore, has a legitimate interest in protecting military personnel by using products which may provide protection from such chemical and biological agents. In order to support this interest of DOD, FDA issued an interim rule during the Persian Gulf War that permitted DOD to use specified investigational products intended to provide potential protection against chemical and biological warfare agents without obtaining informed consent. A copy of the interim rule that published in the **Federal Register** of December 21, 1990 (55 FR 52813), can be viewed on FDA's website at <http://www.fda.gov>.

Specifically, following a request from the DOD, FDA granted waivers from its informed consent requirements for the use of two products in specific protocols in the Persian Gulf War: Pyridostigmine bromide and botulinum toxoid vaccine. FDA recognizes that the interim final rule did not work the way that the agency anticipated it would work; therefore, the agency is seeking broad public input to provide information to help FDA in making policy decisions on the future use of such investigational products and possible efficacy demonstrations for these products.

In order to provide a context for the decisionmaking process on the use of pyridostigmine bromide and the