3. In § 12.104(g), paragraph (b), the list of emergency actions imposing import restrictions on described articles of cultural property of State parties is amended by removing the entry for ''Mali'' in its entirety.

Samuel H. Banks,

Acting Commissioner of Customs.

Dated: September 12, 1997.

John P. Simpson,

Deputy Assistant Secretary of the Treasury.

[FR Doc. 97–25342 Filed 9–19–97; 2:01 pm]

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DEPARTMENT OF THE TREASURY

Customs Service Treasury Decisions

19 CFR Part 134

[T.D. 97–79]

Country of Origin Marking Guidance for Containers of Imported Fruit Juice Concentrate

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

ACTION: Policy statement.

SUMMARY: The purpose of this document is to remind the public of the existing Customs Service's interpretation of the application of the country of origin marking law to imported fruit juice concentrate. Customs has previously published guidance on application of the marking law to imported juice concentrate in Treasury Decision (T.D.) 89–66. In recognition of the fact that accounting for all minor foreign sources on the label may make compliance with the marking law prohibitively expensive, fruit juice processors have been permitted to comply with marking requirements by ''major supplier marking.'' Customs permits ''major supplier marking'' as an acceptable method of compliance. Processors may list up to ten countries if they account for at least 75 percent of foreign concentrate used. Additionally, the sources listed on a juice container must indicate the sources actually used in that lot, not the sources used in a representative past importing period. The full name of the country of origin must be used unless Customs has authorized abbreviations which unmistakably reflect the country of origin to the ultimate purchaser.

FOR FURTHER INFORMATION CONTACT: David Cohen, Special Classification and Marking Branch (202–482–6980).

SUPPLEMENTARY INFORMATION:

Background

In accordance with 19 U.S.C. 1304, and 19 CFR Part 134, Customs ensures that imported fruit juice concentrate entering the U.S. in large containers, e.g., tanker cars and multi-gallon drums, is properly marked to show country of origin. However, the country of origin marking requirements set forth in this document are those pertaining to labeling that must appear on packages of concentrated or reconstituted fruit juice containing imported concentrate that reach ultimate purchasers. The purpose of this document is to remind the public of these requirements.

Customs Service Decision (C.S.D.) 85–47 (Headquarters Ruling Letter (HRL) 728557, dated September 4, 1985) held that containers of orange juice in frozen concentrated or reconstituted forms which contain imported concentrate, must be marked on the labels with the foreign country of origin of the products. This decision was based on the determination that the imported foreign orange juice concentrate used in the production of frozen concentrated or reconstituted orange juice is not substantially transformed after undergoing further processing in the U.S., including blending with other batches of orange concentrate, addition of water, oils and essences, pasteurization or freezing, and repacking. Customs determined that the frozen concentrated or reconstituted orange juice did not emerge from the processing as a new article with a new name, character, and use. *United States* v. *Gibson-Thomsen* Co., 27 C.C.P.A. 267, (C.A.D. 98) (1940).

By a notice published in the **Federal Register** on July 30, 1986 (51 FR 27195), Customs announced that the country of origin marking requirements of orange juice set forth in C.S.D. 85–47, later upheld substantively in *National Juice Products Association* v. *United States,* 10 Ct. Int'l Trade 48, 628 F. Supp. 978 (1986), were extended to include all other imported fruit juice concentrate which undergoes processing in the U.S. similar to that performed on orange juice concentrate. Therefore, all frozen concentrated or reconstituted fruit juices made with foreign concentrate processed in a manner similar to that described in C.S.D. 85–47 must be marked to indicate the country of origin of the foreign concentrate. This position has been in effect since February 1, 1987. T.D. 86–120 (51 FR 23045 (June 25, 1986)).

Customs does not require ''all sources marking'' on containers of juice made with imported concentrate. Customs allows ''major supplier marking'' as an acceptable method of compliance for marking of imported juice concentrate. Major supplier marking permits processors to list up to ten foreign sources to account for 75 percent or more of imported concentrate. Customs concluded from previous consultations with those in the juice industry that in the majority of circumstances, five or fewer sources will account for at least 75 percent of foreign concentrate present in a lot, and that in virtually all cases, ten or fewer sources will account for 75 percent of the foreign concentrate. If ten sources do not amount to 75 percent of foreign concentrate, then all foreign sources must be listed. For purposes of complying with this requirement, ''lot'' is defined as it is in Food and Drug Administration regulations, 21 CFR 146.3(h)(1)(i), as ''[a] collection of primary containers or units of the same size, type, and style manufactured or packed under similar conditions and handled as a single unit of trade.'' ''Manufactured or packed under similar conditions'' is defined, for purposes of compliance with 19 U.S.C. 1304, as all the containers or units containing the same blend of foreign concentrates.

The listing of foreign sources must consist of the countries contributing the greatest percentages adding up to at least 75 percent. For example, processors may not skip over an ''undesirable'' source contributing 10 percent in order to list the next two ''unobjectionable'' sources contributing five percent each. However, the order within the list need not change based on ranking. For example, if a processor is blending foreign concentrates from two countries contributing 60 and 15 percent, respectively, and the two countries reversed proportions, the same label could be used on both lots.

In addition, Customs reminds the public that section 134.45, Customs Regulations (19 CFR 134.45), provides that:

> Except as otherwise provided in * * * this section, the markings required by this part shall include the full English name of the country of origin, unless another marking to indicate the English name of the country of origin is specifically authorized by the Commissioner of Customs * * *.

Only authorized abbreviations which unmistakably indicate the name of a country, such as ''Gt. Britain'' for ''Great Britain'' or ''Luxemb'' and ''Luxembg'' for ''Luxembourg'' are acceptable and variant spellings which clearly indicate the English name of the country of origin, such as ''Brasil'' for ''Brazil'' and ''Italie'' for ''Italy,'' are acceptable. Rulings may be obtained from the

Customs Service regarding what country abbreviations are acceptable for purposes of compliance with the marking statute. Customs notes that it is incorrect to abbreviate the word ''concentrate'' to ''conc'' when disclosing the origin of juice concentrate since the ultimate purchaser will not unmistakably identify ''conc'' as an abbreviation for the word ''concentrate.''

Summary

Imported fruit juice concentrate which is imported into the U.S. and used in the production of concentrated or reconstituted fruit juice is not substantially transformed after undergoing further processing in the U.S. Accordingly, all such imported concentrate is subject to the country of origin marking requirements of 19 U.S.C. 1304, and 19 CFR Part 134. Processors may use ''major supplier marking'' in preparing labels for containers of juice made with imported concentrate. If a processor obtains 75 percent or more of the imported concentrate used in a particular lot from ten or fewer countries, only those countries need be revealed. The full name of the country of origin must be used unless Customs has authorized abbreviations which unmistakably indicate the country of origin of the concentrate to the ultimate purchaser.

Drafting Information

The principal author of this document was David E. Cohen, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices participated in its development.

Date: September 17, 1997.

Stuart P. Seidel,

Assistant Commissioner, Office of Regulations and Rulings.

[FR Doc. 97–25134 Filed 9–22–97; 8:45 am]

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SOCIAL SECURITY ADMINISTRATION

20 CFR Parts 404 and 416

RIN 0960–AE58

Administrative Review Process, Testing Elimination of the Fourth Step of Administrative Review in the Disability Claim Process (Request for Review by the Appeals Council)

ACTION: Final rules.

SUMMARY: We are amending our rules to establish authority to test elimination of the final step in the administrative review process used in determining claims for Social Security and Supplemental Security Income (SSI) benefits based on disability. Under the final rules, the right of appeal for a claimant who is included in the test procedures and who is dissatisfied with the decision of an administrative law judge (ALJ) will be to file a civil action in Federal district court, rather than to request the Appeals Council to review the decision. We are testing procedures that eliminate the request for Appeals Council review in furtherance of the Plan for a New Disability Claim Process that former Commissioner of Social Security Shirley S. Chater approved in September 1994. Unless specified, all other regulations relating to the disability determination process and the administrative review process remain unchanged.

EFFECTIVE DATE: September 23, 1997.

FOR FURTHER INFORMATION CONTACT: Harry J. Short, Legal Assistant, Division of Regulations and Rulings, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965–6243. For information on eligibility or claiming benefits, call our national toll-free number, 1–800–772–1213.

SUPPLEMENTARY INFORMATION:

Background

The Social Security Administration (SSA) currently uses a four-step process in deciding claims for Social Security benefits under title II of the Social Security Act (the Act) and for SSI benefits under title XVI of the Act. Claimants who are not satisfied with the initial determination on their claims may request reconsideration. Claimants who are not satisfied with the reconsidered determination may request a hearing before an ALJ, and claimants who are dissatisfied with an ALJ's decision may request review by the Appeals Council. Claimants who have completed these four steps, and who are dissatisfied with the final decision, may request judicial review of the decision by filing a civil action in Federal district court. 20 CFR 404.900 and 416.1400.

SSA's Plan for a New Disability Claim Process (59 FR 47887, September 19, 1994) anticipates establishment of a redesigned, two-step process for deciding Social Security and SSI claims based on disability. The redesign plan anticipates that the process for determining disability can be significantly improved by strengthening the steps of the process in which we make initial determinations and provide dissatisfied claimants an opportunity for a hearing before an ALJ, and by eliminating the reconsideration step and the step in which claimants request the Appeals Council to review the decisions of ALJs.

In 20 CFR 404.906 and 416.1406 (60 FR 20023, April 24, 1995), we have established authority to test, singly and in combination, several model procedures for modifying the disability claims process. Under that authority, we are testing, in isolation from other possible changes, a modification of the initial determination step in which a single decisionmaker, rather than a team composed of a disability examiner and a medical consultant, makes the initial determination of disability. In addition, under authority established in 20 CFR 404.943 and 416.1443 (60 FR 47469, September 13, 1995), we are also testing, in another model for evaluating a possible change in isolation from other changes, use of an adjudication officer as the focal point for all prehearing activities in disability cases in which a claimant requests a hearing before an ALJ.

To assess how the above changes and other elements of the disability redesign plan would work together in different combinations, we initiated an integrated test on April 7, 1997, that combines model procedures for major elements of the redesign plan. As structured under testing authority established in §§ 404.906, 404.943, 416.1406, and 416.1443 in combination, this integrated model includes, in addition to models for the single decisionmaker and the adjudication officer, a model for procedures to provide a predecision interview conducted by the single decisionmaker (at which a claimant for benefits based on disability will have an opportunity to submit further evidence and have an interview with the initial decisionmaker if the evidence is insufficient to support a fully favorable initial disability determination or would require an initial determination denying the claim), and a model to test eliminating the reconsideration step in disability claims.

In order to increase our ability to assess the effects of possible modifications of the disability claim process in combination, we are, through publication of these final rules, adding new §§ 404.966 and 416.1466 to our regulations to authorize testing of an additional modification in our integrated model. These final rules authorize us to incorporate in the integrated model additional procedures to test elimination of the step in the disability claim process in which a claimant requests the Appeals Council to review the hearing decision of an ALJ.

Our specific goal in testing elimination of the request for Appeals Council review will be to assess the effects of this change, as it functions in