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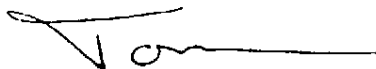
FROM: T. G. Grumbles
DATE: January 24, 1990

SUBJ: TOXIC SUBSTANCES CONTROL ACT (TSCA) CERTIFICATION FOR
IMPORTED CHEMICALS

VISTA

Attached is a proposal to amend the regulations requiring TSCA certifications for imported chemicals. The proposed requirements are found on the second page of the attached, and essentially will require a typed or stamped and signed statement on the invoice or other entry papers. This is a slight modification from existing procedures.

This notice should be viewed as an indication that EPA is paying attention to the required import certifications. We should review our imports and procedures to assure the certification requirements are met.



T. G. Grumbles

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Attachment

Distribution: D. L. Mahler-Balt, John Coffman-LCCP, Bill Howell-LCVCM, J. Callen-Okc, Mike Swierc-Aber, Randy Gantz-LCLAB, Greg Lipps-Prem

Mark Cheeseman, Bill Chamberlain-Houston

Tom Jackson-Austin

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tons of assessable olives will be utilized to cover the proposed expenses. Last year's assessment income was approximately \$1,900,000 based on the receipts of 73,000 assessable tons. The committee also unanimously recommended that excess income from the 1989 fiscal year (\$22,807) be placed in its reserve, resulting in a reserve well within the maximum amount authorized under the order.

While this proposed action would impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed onto producers. However, these costs would be significantly offset by the benefits derived from the operation of the marketing order. Therefore, the Administrator of the AMS has determined that this action would not have a significant economic impact on a substantial number of small entities.

Based on the foregoing, it is found and determined that a comment period of less than 30 days is appropriate because the budget and assessment rate approvals for the olive program need to be expedited. The committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis.

List of Subjects in 7 CFR Part 932

California, Marketing agreements, Olives.

For the reasons set forth in the preamble, it is proposed that 7 CFR part 932 be amended as follows:

PART 932—OLIVES GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 932 continues to read as follows:

Authority: Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

2. New § 932.224, is added to read as follows:

§ 932.224 Expenses and assessment rate.

Expenses of \$2,067,940 by the California Olive Committee are authorized, and an assessment rate of \$20.88 per ton of assessable olives is established, for the fiscal year ending on December 31, 1990. Unexpended funds from the 1989 fiscal year may be carried over as a reserve.

Dated: January 4, 1990.

Charles R. Brader,

Director, Fruit and Vegetable Division.

[FR Doc. 90-458 Filed 1-8-90; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 12

Proposed Customs Regulations Amendments Concerning the Importation of Chemicals Subject to the Toxic Substances Control Act (TSCA)

AGENCY: Customs Service, Treasury.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Customs Regulations regarding the submission of an importer's certification for Toxic Substances Control Act (TSCA) purposes. It provides when the certification must be submitted, its form, and provides for blanket certifications covering multiple shipments of chemicals subject to TSCA.

These changes are being made pursuant to the request of the Environmental Protection Agency (EPA) which has noted the existence of problems in verifying compliance with TSCA.

DATE: Comments must be received on or before March 12, 1990.

ADDRESS: Written comments (preferably in triplicate) may be addressed to and inspected at the Regulations and Disclosure Law Branch, U.S. Customs Service, 1301 Constitution Avenue, NW, room 2119, Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT:

Carole Klein, Other Agency Enforcement Branch (202) 566-7877, William Nolle, Office of ACS Operations (202) 566-7907

SUPPLEMENTARY INFORMATION:

Background

The Toxic Substances Control Act (TSCA) (15 U.S.C. 2612) was enacted by Congress to regulate commerce and protect human health and the environment by requiring testing and necessary use restrictions on certain chemical substances, and for other purposes. Section 13, TSCA, directs the Secretary of the Treasury, after consultation with the Administrator, Environmental Protection Agency (EPA), to refuse entry into the Customs territory of the United States of any chemical substance or mixture that: 1. Fails to comply with any rule in effect under TSCA, or 2. Is offered for entry in violation of sections 5 or 6, TSCA, a rule or order issued under sections 5 or 6, or an order issued in a civil action brought under sections 5 or 7, TSCA.

Section 13 further provides that if a chemical substance, mixture or article is

refused entry, the Secretary shall notify the consignee of the entry refusal, not release the shipment, except under bond and cause its disposal or storage under such rules as the Secretary may prescribe if the shipment has not been exported by the consignee within 90 days from the date of receipt of the notice of entry refusal.

Section 13 was implemented by Treasury Decision (T.D.) 83-158, published in the Federal Register on August 1, 1983 (48 FR 34734), which added §§ 12.118-12.127 to the Customs Regulations (19 CFR 12.118-12.127). Included therein, as § 12.121, Customs Regulations (19 CFR 12.121), was a reporting requirement calling for the importer of a chemical substance to certify to the district director of Customs that the chemical shipment is subject to TSCA and complies with all applicable rules thereunder, or is not subject to TSCA. Certification statements are delineated in paragraph (a) of the above regulatory section.

EPA officials have advised us that their investigations have identified problems in the verification of compliance with TSCA requirements on imported chemicals. Such officials have noted that, although the above certification is required to be present at the time of entry, audits conducted subsequent to the entry and release of merchandise requiring a certification have failed to confirm the submission thereof at the time of entry or later.

Customs, at the request of EPA, in order to correct this situation and to better enforce the provisions of TSCA, is herein proposing to amend the Customs Regulations to provide that the TSCA certification must be submitted with the entry and that it must appear on the invoice used in connection with the entry and entry summary procedures for these shipments or, for those entries or entry summaries processed electronically, a certification code transmitted as part of the electronics transmission process. The proposed regulations in this document also provide for the use of blanket certifications by importers who regularly import chemicals, whether or not they are subject to the TSCA.

Comments

Before adopting this proposal, consideration will be given to any written comments (preferably in triplicate) 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, Treasury Department Regulations (31 CFR 1.4), and

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§ 103.11(b), Customs Regulations (19 CFR 103.11(b)), on normal business days between the hours of 9 a.m. and 4:30 p.m. at the Regulations and Disclosure Law Branch, Customs Service Headquarters, room 2119, 1301 Constitution Avenue, NW., Washington, DC 20229.

Regulatory Flexibility Act

Pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) it is certified that the amendment will not have a significant economic impact on a substantial number of small entities. Accordingly, it is not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

Executive Order 12291

This document does not meet the criteria for a "major rule" as specified in E.O. 12291. Accordingly, no regulatory impact analysis has been prepared.

Drafting Information

The principal author of this document was Arnold L. Sarasky, Regulations and Disclosure Law Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices participated in its development.

List of Subjects in 19 CFR Part 12

Customs duties and inspection, Imports, Hazardous materials, Explosives, and Freight.

Proposed Amendments

It is proposed to amend part 12, Customs Regulations (19 CFR part 12), as set forth below:

PART 12—SPECIAL CLASSES OF MERCHANDISE

1. The authority citation for part 12 continues to read as follows:

Authority: 5 U.S.C. 301, 19 U.S.C. 66, 1202 (General Note & Harmonized Tariff Schedule of the United States), 1551, 1552, 1553 and 1624.

Sections 12.118 through 12.127 also issued under 15 U.S.C. 2601 *et seq.*

2. It is proposed to amend § 12.121 by revising paragraph (a), redesignating paragraphs (b) and (c) as (c) and (d), respectively, revising the redesignated paragraph (c) and adding a new paragraph (b) thereto. The revised § 12.121 would read as follows:

§ 12.121 Reporting requirements.

(a) *All chemical substances in bulk or mixtures.* The importer of a chemical substance, imported in bulk or as part of a mixture, shall certify to the district

director at the port of entry that the chemical shipment is subject to TSCA and complies with all applicable rules and orders thereunder, or is not subject to TSCA. The importer, or his authorized agent, shall sign one of the following statements:

I certify that all chemical substances in this shipment comply with all applicable rules or orders under TSCA and that I am not offering a chemical substance for entry in violation of TSCA or any applicable rule or order thereunder.

I certify that all chemicals in this shipment are not subject to TSCA.

The certification, which shall be filed with the district director at the port of entry before release of the shipment, shall appear as a typed or stamped statement on the invoice used in connection with the entry and entry summary procedures. For those entries or entry summaries processed electronically this statement will be in the form of a Certification Code transmitted as part of the Automated Broker Interface (ABI) transmission. The entry filer will be obligated by this Certification Code to the same extent as if these statements were submitted on entry or entry summary documents.

(b) *Blanket certifications.* (1) District directors of Customs may, in their discretion, accept "blanket" certifications from importers. In accepting any such certifications, the district director should consider the reliability of the importer and Customs broker.

(2) All "blanket" certifications shall be made on the letterhead of the certifying firm, list the products covered by name and Harmonized System Item Number, identify the foreign suppliers by name and address, and be signed by an authorized person.

(3) Once accepted, a "blanket" certification shall remain valid for one year from the date of acceptance unless sooner revoked for cause by the district director. Separate "blanket" certifications will be required for chemicals subject to TSCA and those not subject to TSCA.

(4) Importers authorized to use "blanket" certifications shall also include a statement on the invoice used in connection with the entry and entry summary procedures for each shipment referring to the "blanket" certification and incorporating it by reference. Such statements need not be signed.

(5) For those entries or entry summaries processed electronically for which a "blanket" certification is on file, this electronic Certification Code will certify that a "blanket" certification is on file.

(c) *Chemical substance or mixture as part of article.* Each importer of a chemical substance or mixture as part of an article shall meet the reporting requirements set forth in paragraph (a) or paragraph (b) of this section only if required by a rule or order under TSCA.

(d) *Facsimile signatures.* The certification statements in paragraph (a) of this section may be signed by means of an authorized facsimile signature.

William von Raab,

Commissioner of Customs.

Approved: January 2, 1990.

Salvatore R. Martoche,

Assistant Secretary of the Treasury.

[FR Doc. 90-448 Filed 1-8-90; 8:45 am]

BILLING CODE 4820-02-M

Internal Revenue Service

26 CFR Part 1

[FI-64-89]

RIN 1545-A003

Price Level Adjusted Mortgages

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking by cross-reference to temporary regulations.

SUMMARY: In the rules and regulations section of this issue of the Federal Register, the Internal Revenue Service is issuing temporary regulations that provide rules for the treatment of price level adjusted mortgages ("PLAMs") under the original issue discount and qualified residence interest provisions of the Internal Revenue Code of 1986. In addition, the temporary regulations provide rules for the treatment of payments received pursuant to a PLAM for purposes of the information reporting of home mortgage interest. The text of the temporary regulations also serves as the comment document for this notice of proposed rulemaking.

EFFECTIVE DATES: Section 1.153-11T is proposed to be effective for tax years beginning after December 31, 1987. Sections 1.1275-8T and 1.6050H-2T are proposed to be effective for price level adjusted mortgages issued after January 9, 1990. Written comments and requests for a public hearing must be delivered or mailed by April 9, 1990.

ADDRESS: Send comments and requests for a public hearing to: Internal Revenue Service, Attn: CC:CORP:T:R (FI-64-89), room 4429, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: William E. Blanchard, concerning the

**Interoffice
Communication**

TO: R. D. Gamblin

FROM: T. G. Grumbles
DATE: January 26, 1990
SUBJ: PROGRESS REPORT

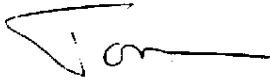
VISTA

1. Completed General Motors MSDS's for Premiere as part of the qualification process for ROTOFLEX compound.
2. Completed product component listing and draft letter to New Jersey customers in preparation for a mass mailing to comply with New Jersey's Worker and Community Right-to-Know Act. These letters will go out in early February, well ahead of the compliance date of March 31, 1990.
3. Working with S & T to revise the hazardous material descriptions in COEDS to comply with DOT Docket HM-126C, Emergency Response Communication Standards, which becomes effective June 4, 1990.
4. Researching summary of flash point and flammability standards of different agencies for Joe Lopez.
5. Completed revisions of MSDS's for all SARA 313 listed products. We are working with Marketing Administration to send the MSDS's out to the appropriate customers.
6. Sent technical information on PVC resin to the USDA to assist them in responding to a concern regarding contaminated rice in Zaire. Evidently, some of our resin spilled onto the outside of rice bags in the same ship and the Zaire government was alleging all of the rice shipment was contaminated.
7. A meeting was held with Legal and Manufacturing to further review Conoco's proposals for cost-sharing on the LCCC groundwater assessment and remediation. Conoco has offered a buy-out arrangement or continued cost-sharing percentage for the next 10 years.
8. Draft experimental MSDS's for low-flame, low-smoke alloys, Suprel and Plenex, have been prepared and released for use with sample shipments.
9. Participated in Environmental Engineering Guidelines Meeting. The team focused on developing environmental construction guidelines for the high priority equipment (tanks, sumps) that will be installed for the Lake Charles wastewater project.
10. Provided guidance to Marketing on the FIFRA status of ALFOL 610 and ALFOL 810 when used as an inert. ALFOL 810 is exempted from inert residual tolerances when applied to growing crops.

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11. Participated in a meeting on Environmental Awareness Training.
The group established action steps for contacting manufacturing,
marketing and business groups to determine interest for this
type of training.



T. G. Grumbles

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