

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 75-105]

PART 123—CUSTOMS RELATIONS WITH CANADA AND MEXICO

PART 143—CONSUMPTION, APPRAISEMENT, AND INFORMAL ENTRIES

Informal Entries—

Sections 123.4(b) and 143.23, Customs Regulations relating to procedures for recording the collection of duties and/or taxes on informal entries, amended.

Section 123.4 of the Customs Regulations (19 CFR 123.4) provides that, with certain stated exceptions, the inward foreign manifest required for a vehicle or a vessel of less than 5 net tons arriving in the United States from Canada or Mexico otherwise than by sea, with baggage or merchandise, shall be on Customs Form 7533. However, paragraph (b) of that section provides that, for dutiable merchandise not exceeding \$250 in value entered informally on Customs Form 5119-A, the latter form may be used as a manifest in lieu of other forms.

Similarly, § 143.23 of the Customs Regulations (19 CFR 143.23) provides that, with certain stated exceptions, merchandise to be entered informally shall be entered on Customs Form 5119-A.

In lieu of using Customs Form 5119-A, which is usually prepared by a Customs officer for informal entries, an alternative procedure is currently being used in some cases at ports within the Houston, Texas, Customs region (Region VI). This alternative procedure involves the classification of imported articles directly on the commercial invoice, which contains a declaration substantially similar to the declaration statement printed on Customs Form 5119-A, signed by the importer or his agent. After the Customs officer enters the appropriate classification item number and rate of duty, he initials and dates the invoice. A Customs teller then computes the duty, places the invoice into a cash register and depresses the appropriate keys for the amount of duty and collection code. The cash register records a number on the invoice which indicates the number of the machine, the year, a unique transaction number, and the amount of duty and/or tax. This information is also reflected on the cash register tape and on a collection receipt printed by the cash register. The collection receipt, which has been previously stamped with a notice of liquidation, is given to the importer as evidence of payment of the duty and/or tax due.

When this alternative procedure is used, Customs officers are relieved of the clerical task of preparing Customs Form 5119-A, thus allowing them to devote more time to other activities. In addition, this procedure provides accurate recordation and timely collection of all duties and/or taxes due on informal entries.

Inasmuch as all ports are not equipped to utilize this new procedure and since it is most effective at border ports han-

dling a considerable number of informal entries, its use is not mandatory. Customs Form 5119-A will still be prepared for informal entries unless the district director implements this alternative procedure within his district.

In order for the district director to implement this alternative procedure, it is necessary to amend § 123.4(b) of the Customs Regulations to enable an invoice which contains a declaration substantially similar to the declaration statement printed on Customs Form 5119-A, signed by the importer or his agent, to be used as a manifest. It is also necessary to amend § 143.23 of the Customs Regulations so that an invoice which contains the same signed declaration statement may serve as an informal entry in lieu of Customs Form 5119-A.

Accordingly, §§ 123.4 and 143.23 of the Customs Regulations (19 CFR 123.4, 143.23) are hereby amended as set forth below:

Paragraph (b) of section 123.4 is revised to read as follows:

§ 123.4 Inward foreign manifest forms to be used.

(b) For dutiable merchandise not exceeding \$250 in value entered on Customs Form 5119-A, the same form may be used as a manifest in lieu of other forms. (See § 143.21 of this chapter.) The district director may also allow such merchandise to be entered informally upon the presentation of a commercial invoice which contains the following declaration, signed by the importer or his agent:

I declare that the information on this invoice is accurate to the best of my knowledge and belief; that the invoice quantities are true and correct manifest quantities; and that I have not received and do not know of any invoice other than this one.

(R.S. 251, as amended, secs. 484, 498, 624, 46 Stat. 722, as amended, 728, as amended, 759 (19 U.S.C. 66, 1484, 1498, 1624))

Section 143.23 is amended by changing the introductory clause immediately preceding paragraph (a) to read as follows:

§ 143.23 Form of entry.

Except for the types of merchandise listed below which may be entered on the forms indicated, merchandise to be entered informally shall be entered on a Customs Form 5119-A, or, if authorized by the district director, upon the presentation of a commercial invoice which contains the following declaration, signed by the importer or his agent:

I declare that the information on this invoice is accurate to the best of my knowledge and belief; that the invoice quantities are true and correct manifest quantities; and that I have not received and do not know of any invoice other than this one.

(R.S. 251, as amended, secs. 484, 498, 624, 46 Stat. 722, as amended, 728, as amended, 759 (19 U.S.C. 66, 1484, 1498, 1624))

Because these amendments merely conform the Customs Regulations to

present operating procedures and create no additional burden on the public, notice and public procedure thereon are found to be unnecessary and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

Effective date. These amendments shall become effective May 7, 1975.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved: April 28, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

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Title 21—Food and Drugs

CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

Placement of DifenoXin in Schedule I

By a letter dated March 22, 1974, the Secretary-General of the United Nations advised the Secretary of State of the United States that the Commission on Narcotic Drugs has decided that the drug difenoXin should be added to Schedule I of the Single Convention on Narcotic Drugs, 1961.

Under the provisions of section 201(d) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(d)), the Attorney General is required to control difenoXin under the schedule he deems most appropriate to carry out the obligations of the United States under the Single Convention. The Administrator of the Drug Enforcement Administration has determined that because there is currently no accepted medical use for difenoXin in treatment in the United States, it should be controlled in Schedule I of the Act.

Therefore, under the authority vested in the Attorney General by section 201(d) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(d)) and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations, and in accordance with § 1308.49 of Title 21 of the Code of Federal Regulations, the Administrator hereby orders that § 1308.11(b) of Title 21 of the Code of Federal Regulations be amended as follows:

§ 1308.11 Schedule I.

(b) * * *

(16) DifenoXin.....	9168
(17) DImenoxadol.....	9617
(18) DImephoptanol.....	9618
(19) DImethylthambutene.....	9619
(20) DIOxaphetyl butyrate.....	9621
(31) DIlpipanone.....	9622
(22) Ethylmethylthambutene.....	9623
(23) Etonitazene.....	9624
(24) EtOxeridine.....	9625
(25) Furethidine.....	9626
(26) Hydroxypethidine.....	9627

(27) Ketobemidone.....	9628
(28) Levomoramide.....	9629
(29) Levophenacylmorphane.....	9631
(30) Morpheridine.....	9632
(31) Noracymethadol.....	9633
(32) Norlevorphanol.....	9634
(33) Normethadone.....	9635
(34) Norpiperone.....	9636
(35) Phenadoxone.....	9637
(36) Phenampromide.....	9638
(37) Phenomorphan.....	9647
(38) Phenoperidine.....	9641
(39) Piritramide.....	9642
(40) Proheptazine.....	9643
(41) Propidine.....	9644
(42) Propiram.....	9649
(43) Racemoramide.....	9645
(44) Trimeperidine.....	9646

EFFECTIVE DATES

1. *Registration.* Any person who manufactures, distributes, imports or exports difenoxin, or who engages in research or conducts instructional activities with respect to difenoxin, or who proposes to engage in such activities, shall obtain a registration to conduct such activities in accordance with Parts 1301 and 1311 of Title 21 of the Code of Federal Regulations on or before July 1, 1975.

2. *Security.* Difenoquin must be manufactured, distributed and stored in accordance with §§ 1301.71, 1301.72(a), 1301.73, 1301.74(a), 1301.75, and 1301.76 of Title 21 of the Code of Federal Regulations on or before July 1, 1975. In the event that this imposes special hardships, the Drug Enforcement Administration will entertain any justified requests for extensions of time.

3. *Labeling and Packaging.* All labels on commercial containers of, and all labeling of difenoxin, packaged after November 1, 1975, shall comply with the requirement of §§ 1302.03-1302.05 and 1302.08 of Title 21 of the Code of Federal Regulations. In the event this effective date imposes special hardships on any "manufacturer", as defined in section 102(14) of the Controlled Substances Act, 21 U.S.C. 802(14), the Drug Enforcement Administration will entertain any justified requests for an extension of time.

4. *Quotas.* All persons required to obtain quotas shall submit applications pursuant to section 1303.22 of Title 21 of the Code of Federal Regulations on or before July 1, 1975.

5. *Inventory.* Every registrant required to keep records who possesses any quantity of difenoxin shall take an inventory, pursuant to §§ 1304.11-1304.19 of Title 21 of the Code of Federal Regulations, of all stocks of difenoxin on hand on July 1, 1975.

6. *Records.* All registrants required to keep records pursuant to §§ 1304.21-1304.27 of Title 21 of the Code of Federal Regulations shall maintain such records on difenoxin commencing on the date on which the inventory of difenoxin is taken.

7. *Reports.* All registrants required to file reports with the Drug Enforcement Administration pursuant to §§ 1304.37-1304.41 of Title 21 of the Code of Federal Regulations shall report on the inventory

taken under paragraph 5 above and on all subsequent transactions.

8. *Order forms.* Each distribution of difenoxin on or after July 1, 1975, shall utilize an order form pursuant to Part 1305 of Title 21 of the Code of Federal Regulations except as permitted in § 1305.03 of that title.

9. *Importation and exportation.* All importation and exportation of difenoxin on and after July 1, 1975, shall be in compliance with Part 1312 of Title 21 of the Code of Federal Regulations.

10. *Criminal liability.* Pursuant to Title 21 of the Code of Federal Regulations, § 1308.49, the Administrator, Drug Enforcement Administration hereby orders that any activity with respect to difenoxin, not authorized by, or in violation of the Controlled Substances Act or the Controlled Substances Import and Export Act, conducted after June 1, 1975, shall be unlawful, except that any person who is not now registered to handle these substances but who is entitled to registration under such Acts may continue to conduct normal business or professional practice with difenoxin between the date on which this order is published and the date on which he obtains or is denied registration.

11. *Other.* In all other respects, this order is effective on June 1, 1975.

Dated: May 1, 1975.

JERRY N. JENSON,
Deputy Administrator,
Drug Enforcement Administration.

[FR Doc.75-11885 Filed 5-2-75;10:07 am]

Title 41—Public Contracts and Property Management

CHAPTER 1—FEDERAL PROCUREMENT REGULATIONS.

[FPR Amendment 147]

PART 1-9—PATENTS, DATA, AND COPYRIGHTS

Allocation of Rights in Inventions

This amendment of the Federal Procurement Regulations makes changes in Subpart 1-9.1, Patents, which was published in the Federal Procurement Regulations (38 FR 23782, September 4, 1973). The regulations were developed in cooperation with the Committee on Government Patent Policy, Federal Council for Science and Technology. The regulations implement the revised Presidential Statement on Government Patent Policy (36 FR 16887, August 26, 1971). As originally published, interested parties were invited to submit comments. This opportunity to comment was considered appropriate, since the draft which was originally furnished for comment was extensively modified and enlarged. On February 28, 1974, the effective date provision of the regulations was canceled. The regulations now have been revised in the light of the comments received and a new effective date has been established.

The table of contents for Part 1-9 is amended by the addition of the following new entries:

Subpart 1-9.1—Patents

Sec.	*	*	*	*	*
1-9.109					Administration of Patent Rights clauses.
1-9.109-1					Patent rights follow-up.
1-9.109-2					Follow-up by contractor.
1-9.109-3					Follow-up by Government.
1-9.109-4					Remedies.
1-9.109-5					Conveyance of invention rights acquired by the Government.
1-9.109-6					Retention of greater rights.

Subpart 1-9.1 is revised as follows:

Subpart 1-9.1—Patents

§ 1-9.100 Scope of subpart.

This subpart sets forth policies, procedures, and contract clauses with respect to inventions made in the course of or under a contract or subcontract entered into with or for the benefit of the Government where a purpose is the conduct of experimental, developmental, or research work. The policies, procedures, and contract clauses may also be used in grants, agreements, and other arrangements as agencies deem appropriate.

§§ 1-9.101—1-9.106 [Reserved]

§ 1-9.107 Patent rights under contracts for research and development.

§ 1-9.107-1 General.

(a) *Introduction.* On August 23, 1971, the President issued a Statement of Government Patent Policy (36 FR 16887, August 26, 1971) applicable to all executive departments and agencies, revising a prior Statement of Policy (28 FR 10943, October 12, 1963). Essentially, the goals of this Statement are to provide criteria for determining the allocation of rights in inventions resulting from federally sponsored research and development contracts, to promote their expeditious development so that the public can benefit from early civilian use of the inventions, and to ensure their continued availability. In applying this regulation, agency heads must weigh both the need for incentives to draw forth private initiatives, and the need to promote healthy competition in industry. Consistent with the FPR system, agencies may implement and supplement this subpart.

(b) *Applicable statutes.* Except to the extent that agencies are governed by specific statutes or by any treaty or agreement between the United States and any foreign country that are inconsistent with this subpart, agencies shall follow the provisions of this subpart, including the use of the prescribed clauses. Modifications to the prescribed clauses are permissible to the extent that these clauses are inconsistent with the requirements of statutes, treaties, or agreements.

(c) *Co-sponsored, cost sharing, or joint venture research.* The provisions of this subpart are not mandatorily applicable to co-sponsored, cost sharing, or joint venture research when the agency determines that in the course of the work under the contract the contractor will be required to make a substantial contribution of funds, facilities, or equipment to the principal purpose of the contract.