the TSUS and the drawback statute. The petitioner stresses that the legislative purpose of zones was to foster the export trade; and the subject Customs decisions, in fostering domestic consumption of foreign steel, are contrary to that purpose. The petitioner further contends that the decisions are contrary to the long-standing concept of exportation under Customs laws as interpreted by the courts. Cited in support of this contention are *Campbell v. U.S.*, 107 U.S. 407 (1883), *Swan and Finch Co. v. U.S.*, 190 U.S. 142 (1903), and *Tidewater Oil Co. v. U.S.*, 171 U.S. 210 (1898). The petitioner further alleges that the decisions encourage imports of foreign steel for ultimate consumption in the U.S. in conflict with the national steel policy, and that the decisions have an adverse competitive effect on U.S. industries.

After review of the petition, Customs has determined that it must reconsider whether a shipment to a zone is an exportation. There is an abstract of a Customs letter dated July 1, 1965, which stated that a shipment to the Trust Territory of the Pacific Islands was an exportation within the drawback law. T.D. 56545(3) (1965). However, the binding effect of the abstract is questionable. See *Borneo Sumatra Trading Co., Inc. v. U.S.*, 56 Cust. Ct. 166, 173–174, C.D. 2624 (1966) and *Ditbro Pearl Co., Inc. v. U.S.*, 72 Cust. Ct. 1, 8–9, C.D. 4497 (1974). Moreover, in T.D. 78–459, Customs published a decision, rather than a nonbinding abstract, in which it held that the Northern Mariana Islands could not be considered to be foreign territory to satisfy the requirement of exportation under the drawback laws.

Even if a zone were considered not part of the United States for certain tariff purposes, it is not clear that shipment to a zone is an exportation. In the Act itself, Congress did not confuse sending merchandise into a zone for the sole purpose of an *exportation*, destruction, or storage, with an actual exportation; instead, Congress merely permitted that action to be considered as though it were an exportation. Similarly, under the warehouse laws § 557, Tariff Act of 1930, as amended (19 U.S.C. 1557), shipments to certain U.S. insular possessions were permitted to satisfy a bond requirement without being an exportation. In the case of *John Rothschild and Co. v. U.S.*, 16 Ct. Cust. Appls. 442, T.D. 43190 (1929), the court specifically rejected the contention that if a place is not part of the U.S. for tariff purposes, a shipment to that place is an exportation. Likewise, in the case of *Mitsubishi International Corp. v. U.S.*, 55 Cust. Ct. 319, 325–327, C.D. 2597 (1965), the court held that a shipment to Guam was not an exportation for the purpose of the drawback laws and the laws on temporary importations under bond. The court held that Guam had not acquired the status of a foreign country and that an exportation is a shipment to a foreign country with the intent of joining it to the commerce of that country.

Comments

Before making a determination on this matter, Customs invites written comments from interested parties on this issue. The petition, as well as all of the comments received in response to this notice, 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 § 103.11(b), Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9:00 a.m. and 4:00 p.m. at the Regulations Control Branch, Room 2324, Customs Headquarters, 1301 Constitution Avenue, NW., Washington, DC 20229.

Drafting Information

The principal author of this document was Harold M. Singer, Regulations Control Branch, U.S. Customs Service. However, personnel from other offices participated in its development.

William von Raab,

Commissioner of Customs.

Approved: February 25, 1988.

Francis A. Keating, II,

Assistant Secretary of the Treasury.

[FR Doc. 88–4749 Filed 3–3–88; 8:45 am]

BILLING CODE 4820–02–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 349

[Docket No. 80N–145A]

Ophthalmic Drug Products for Over-the-Counter Human Use; Tentative Final Monograph; and Reopening of Administrative Record

AGENCY: Food and Drug Administration.

ACTION: Proposed rule; reopening of administrative record.

SUMMARY: The Food and Drug Administration (FDA) is reopening the administrative record for over-the-counter (OTC) ophthalmic drug products to include only those data on antiinfective ingredients that were submitted after the previous closing of the administrative record. The agency is also providing for the administrative record to remain open for 120 days to allow for the submission of public comment on that data. Elsewhere in this issue of the **Federal Register**, FDA is issuing a final monograph on OTC ophthalmic drug products other than those containing antiinfectives. The agency intends to publish its final decision on OTC ophthalmic antiinfectives in a future issue of the **Federal Register.**

DATE: Written comments by July 5, 1988.

ADDRESS: Data are on file in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, where written comments may be submitted.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, Center for Drug Evaluation and Research (HFN–210), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–295–8000.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of June 28, 1983 (48 FR 29788), FDA published a notice of proposed rulemaking in the form of a tentative final monograph that would establish conditions under which OTC ophthalmic drug products would be generally recognized as safe and effective and not misbranded. In considering the antiinfective portion of the ophthalmic monograph, the agency has determined that there are complex scientific issues that need to be resolved before a final determination can be made with respect to ingredients in this class. In addition, after the administrative record previously was closed, data, including new data on the use of yellow mercuric oxide as an OTC ophthalmic antiinfective, that may be relevant to resolving these issues were submitted to the agency. These issues and the new data are described in a letter from FDA to Commerce Drug Company (Ref. 1) that is available in the Dockets Management Branch.

The issues relating to ophthalmic antiinfective ingredients do not directly relate to the other segments of the ophthalmic monograph. Accordingly, in order to allow publication of the other segments of the ophthalmic final monograph without undue delay, elsewhere in this issue of the **Federal Register**, FDA is publishing the final monograph on ophthalmic drug products other than those containing an antiinfective.

FDA has on occasion received new data bearing on a proposed rule after

the closing of the administrative record. See the **Federal Register** of August 30, 1983 (48 FR 39242). Because the antiinfective portion of the ophthalmic monograph contains complex scientific issues that need to be resolved before a final determination can be made with respect to ingredients in this class, the agency is reopening the administrative record for OTC ophthalmic drug products to include only those data on antiinfective ingredients that were submitted after the closing of the administrative record. The administrative record will remain open until July 5, 1988, for submission of public comments on that data.

Reference

(1) Letter from W. E. Gilbertson, FDA, to H. Gordon, Commerce Drug Company, coded LET007, Docket No. 80N-0145, Dockets Management Branch.

This notice serves to inform interested persons of the existence of new data on yellow mercuric oxide as an OTC ophthalmic antiinfective; their availability for review at the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday; and to provide for the filing of written comments by July 5, 1988, on yellow mercuric oxide as an antiinfective in ophthalmic drug products. Three copies of all comments are to be submitted, except individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document.

Dated: November 16, 1987.

Frank E. Young,

Commissioner of Food and Drugs.

[FR Doc. 88-4584 Filed 3-3-88; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 85-15; Notice 6]

Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices, and Associated Equipment; Correction

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of Proposed Rulemaking; Corrections.

SUMMARY: This notice corrects errors occurring in the notice of proposed rulemaking published on December 29, 1987, that would, in pertinent part, establish a category of headlamps known as "integral beam headlamps", and new aimability performance requirements. As part of a proposed paragraphing change, it also restated existing requirements, including humidity tests for headlamps with replaceable light sources. Several typographical errors occurred in the sections mentioned which must be corrected.

FOR FURTHER INFORMATION CONTACT: Taylor Vinson, Office of Chief Counsel, National Highway Traffic Safety Administration, Washington, DC 20590 (202-366-5263).

SUPPLEMENTARY INFORMATION: On December 29, 1987, NHTSA published a comprehensive notice of proposed rulemaking in which paragraphs of Motor Vehicle Safety Standard No. 108 would be renumbered, and new requirements were proposed that are intended to relieve some of the regulatory burden upon manufacturers of motor vehicles and motor vehicle headlamps (52 FR 49038). As published, the Notice contains a few errors involving improper paragraph references, an incomplete word, and an erroneous temperature statement, which must be corrected.

Specifically, in proposed S 7.5(e)(2)(iii) and (3)(iii) (p.49049) references appear to paragraphs "(f)(2)(i) and (f)(2)(ii)", and "(f)(3)(i) and (f)(3)(ii)". Paragraph "(f)" should be "(e)". Accordingly, these paragraphs are corrected to read "(e)(2)(i) and (e)(2)(ii)" and "(e)(3)(i) and (e)(3)(ii)).

In proposed S 7.5(g) "paragraphs (f) and (g)" are referenced. This is corrected to read "paragraphs (e) and (f)".

In proposed S 7.7.5 the penultimate sentence contains the word "style". It is corrected to read "styling".

Finally, in S 8.7 (paragraph S 7.7 in the present standard) a "+/−" appears before the numbers "7" and "4" in the penultimate sentence. The minus sign is in error, and the references are corrected to "+".

(15 U.S.C. 1392, 1401, 1407; delegations of authority at 49 CFR 1.50 and 501.8).

Issued on February 29, 1988.

Barry Felrice,

Associate Administrator for Rulemaking.

Note: An additional correction to this document is published elsewhere in the corrections section of this issue of the **Federal Register.**

[FR Doc. 88-4765 Filed 3-3-88; 8:45 am]

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