activations of the valves. The actions specified by this AD are intended to prevent self-activation of the valves, and subsequent inadvertent inflation of the emergency float system, which could lead to loss of control of the helicopter.

EFFECTIVE DATE: September 24, 1997.

FOR FURTHER INFORMATION CONTACT: Mr. Uday Garadi, Aerospace Engineer, FAA, Rotorcraft Certification Office, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222–5157; fax (817) 222–5960.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to Model 214ST helicopters, equipped with an emergency float kit, part number (P/N) 214–706–120, containing valves, P/N 214–073–929–103 or –105, in solenoid valve assemblies (valve assemblies), P/N 214–073–940–101 or –103, was published in the **Federal Register** on November 20, 1996 (61 FR 59033). That action proposed to require replacement of all existing valves, P/N 214–073–929–103 and –105, in valve assemblies, P/N 214–073–940–101 and –103.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

The FAA estimates that 9 helicopters of U.S. registry will be affected by this AD, that it will take approximately 2 work hours per helicopter to accomplish the required actions, and that the average labor rate is $60 per work hour. Required parts will cost approximately $2,100 per helicopter. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $19,980.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive to read as follows:

AD 97–17–06 Bell Helicopter Textron, Inc.: Amendment 39–10108. Docket No. 96–SW–27–AD.

Applicability: Model 214ST helicopters, equipped with an emergency float kit, part number (P/N) 214–706–120, containing emergency float inflation solenoid valves, P/N 214–073–929–103 or –105, in solenoid valve assemblies, P/N 214–073–940–101 or –103, certificated in any category.

Note 1: This AD applies to each helicopter identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For helicopters that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (c) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition, or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any helicopter from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent self-activation of the valves, and subsequent inadvertent inflation of the emergency float system, which could lead to loss of control of the helicopter, accomplish the following:

(a) At the next scheduled ''B'' (250 hour) inspection, or 180-day float inspection, or 3-year float system operational inspection, whichever occurs first, remove solenoid valves, P/N 214–073–929–103 or –105, from solenoid valve assemblies, P/N 214–073–940–101 or –103, and replace with solenoid valves, P/N 214–073–929–107.

Note 2: Solenoid valve assemblies, P/N 214–073–940, consist of a valve, P/N 214–073–929 and a decal, P/N 31–023–8B. Solenoid valve assembly, P/N 214–073–940–105, contains solenoid valve, P/N 214–073–929–107.

(b) Installation of solenoid valves, P/N 214–073–929–107, or solenoid valve assemblies, P/N 214–073–940–105, constitutes terminating action for the requirements of this AD.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Rotorcraft Certification Office.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Rotorcraft Certification Office, Rotorcraft Directorate, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Rotorcraft Certification Office.

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the helicopter to a location where the requirements of this AD can be accomplished.

(e) This amendment becomes effective on September 24, 1997.

Issued in Fort Worth, Texas, on August 13, 1997.

Larry M. Kelly,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 97–22044 Filed 8–19–97; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96–NM–53–AD; Amendment 39–10110; AD 96–23–07 R1]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model DC–9–80 Series Airplanes and Model MD–88 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment revises an existing airworthiness directive (AD), applicable to certain McDonnell

Douglas Model DC–9–80 series airplanes and Model MD–88 airplanes, that currently requires visual/dye penetrant and ultrasonic inspections to detect cracks in the vertical leg of the rear spar lower cap of the wings, and various follow-on actions. This amendment is prompted by the necessity to provide the current address of the FAA office that receives the results of reporting requirements of this AD. The actions specified in this AD are intended to prevent fatigue cracking in the vertical leg of the rear spar lower cap of the wing, which, if not detected and corrected in a timely manner, could result in loss of the spar cap, and consequent damage to the spar cap web and adjacent wing skin structure; this condition could lead to reduced structural integrity of the wing.

DATES: Effective September 4, 1997.

The incorporation by reference of certain publications listed in the regulations was approved previously by the Director of the Federal Register as of December 19, 1996, (61 58323, November 14, 1996).

Comments for inclusion in the Rules Docket must be received on or before October 20, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–53-AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

The service information referenced in this AD may be obtained from McDonnel Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Department C1–L51 (2–60). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Brent Bandley, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (562) 627–5237; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION: On November 5, 1996, the FAA issued AD 96–23–07, amendment 39–9812 (61 FR 58323, dated November 14, 1996), applicable to certain McDonnell Douglas Model DC–9–80 series airplanes and Model MD–88 airplanes, to require visual/dye penetrant and ultrasonic inspections to detect cracks in the vertical leg of the rear spar lower cap of the wings, and various follow-on actions. That action was prompted by reports indicating that, due to improper torque tightening of the attach studs of the flap hinge fitting, fatigue cracks were found in the vertical leg of the rear spar lower cap of the wing. The actions required by that AD are intended to prevent such fatigue cracking, which, if not detected and corrected in a timely manner, could result in loss of the spar cap, and consequent damage to the spar cap web and adjacent wing skin structure; this condition could lead to reduced structural integrity of the wing.

Actions Since Issuance of Previous Rule

Since the issuance of that AD, the FAA notes that the FAA office (referenced as the address to provide certain results of reporting requirements) has a new address, new phone number, and a new facsimile number. The FAA has determined that the new address is pertinent information necessary to readily permit compliance with the reporting requirements of this AD. Therefore, the FAA has revised the final rule to reflect the current address of the appropriate FAA office. In all other respects, this AD remains unchanged.

Explanation of Requirements of Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of this same type design, this AD revises AD 96–23–07 to specify the current address of the referenced FAA office to assist operators in readily meeting the reporting requirements of this AD.

Determination of Rule's Effective Date

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 96–NM–53–AD.'' The postcard will be date stamped and returned to the commenter.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a ''significant regulatory action'' under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–9812 (61 FR 58323, dated November 14, 1996), and by adding a new airworthiness directive (AD), amendment 39–10110, to read as follows:

96–23–07 R1 McDonnell Douglas: Amendment 39–10110. Docket 96-NM–53-AD. Revises AD 96–23–07, Amendment 39–9812.

Applicability: Model DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), DC–9–87 (MD–87) series airplanes and Model MD–88 airplanes, as listed in McDonnell Douglas MD–80 Service Bulletin 57–184, Revision 1, dated December 22, 1994; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent fatigue cracking in the vertical leg of the rear spar lower cap of the wing, which could lead to reduced structural integrity of the wing, accomplish the following:

Note 2: Actions specified in this AD that have been performed prior to the effective date in accordance with McDonnell Douglas MD–80 Service Bulletin 57–184, dated March 16, 1989, are considered acceptable for compliance with the applicable requirement of this AD.

(a) *Visual/Dye Penetrant Inspection and Ultrasonic Inspection.* Perform visual/dye penetrant and ultrasonic inspections to detect cracks in the vertical leg of the rear spar lower cap of the wings below and in the adjacent area of the two lower attaching stud holes for the inboard hinge fitting of the outboard flap at station Xrs=164.000, in accordance with McDonnell Douglas MD–80 Service Bulletin 57–184, Revision 1, dated December 22, 1994; at the time specified in paragraph (a)(1), (a)(2), (a)(3), or (a)(4) of this AD, as applicable.

(1) For airplanes that have accumulated less than 8,000 total landings as of December 19, 1996, (the effective date of AD 96–23–01): Perform the inspection prior to the accumulation of 10,000 landings or within 3,000 landings after December 19, 1996, whichever occurs later.

(2) For airplanes that have accumulated 8,000 or more total landings but less than 10,000 total landings as of December 19, 1996: Perform the inspection within 3,000 landings after December 19, 1996.

(3) For airplanes that have accumulated 10,000 or more total landings but less than 15,000 total landings as of December 19, 1996: Perform the inspection within 2,400 landings after December 19, 1996.

(4) For airplanes that have accumulated 15,000 or more total landings as of December 19, 1996: Perform the inspection within 1,800 landings after December 19, 1996.

(b) *Condition 1 (No Cracks).* If no crack is detected during any inspection required by paragraph (a) of this AD, accomplish the requirements of either paragraph (b)(1) or (b)(2) of this AD, in accordance with McDonnell Douglas MD–80 Service Bulletin 57–184, Revision 1, dated December 22, 1994.

(1) *Condition 1, Option 1 (Terminating Action).* Prior to further flight, tighten the four mounting studs of the flap hinge fitting in the rear spar caps (2 studs in the upper cap and 2 studs in the lower cap) to the applicable torque value, in accordance with the service bulletin. Accomplishment of this tightening of the mounting studs of the flap hinge fitting constitutes terminating action for the repetitive inspection requirements of paragraph (b)(2) of this AD.

(2) *Condition 1, Option 2 (Repetitive Inspection).* Repeat the visual/dye penetrant and ultrasonic inspections required by paragraph (a) of this AD thereafter at intervals not to exceed 3,000 landings until paragraph (b)(1) of this AD is accomplished.

(c) *Condition 2 (Cracks).* If any crack is detected during any inspection required by paragraph (a) or (b)(2) of this AD, prior to further flight, perform a high frequency eddy current inspection to confirm the existence of cracking, in accordance with McDonnell Douglas MD–80 Service Bulletin 57–184, Revision 1, dated December 22, 1994. After this inspection, accomplish the requirements of either paragraph (c)(1), (c)(2), or (c)(3) of this AD, as applicable.

(1) *No Cracking Confirmed.* If no cracking is confirmed, accomplish the requirements of either paragraph (b)(1) [''Condition 1, Option 1 (Terminating Action)''] or (b)(2) [''Condition 1, Option 2 (Repetitive Inspection)''] of this AD.

(2) *Condition 2, Option 1 (Permanent Repair).* If any cracking is confirmed, prior to further flight, replace the entire spar cap or accomplish the permanent splice repair of the spar cap, and tighten the four mounting studs of the flap hinge fitting in the rear spar caps (2 studs in the upper cap and 2 studs in the lower cap) to the applicable torque value, in accordance with the service bulletin. Accomplishment of this tightening of the mounting studs constitutes terminating action for the repetitive inspection requirements of paragraph (c)(3) of this AD.

(3) *Condition 2, Option 2 (Temporary Repair).* If cracking is confirmed and it does not extend beyond the location limits and does not exceed the maximum permissible crack length of 2 inches, prior to further flight, accomplish the temporary repair modification of the spar cap in accordance with the service bulletin. Thereafter, repeat the eddy current inspection at intervals not to exceed 3,000 landings until paragraph (c)(2) of this AD is accomplished.

(i) If any crack progression is found during any repetitive eddy current inspection following accomplishment of the temporary repair, prior to further flight, contact the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate, telephone (562) 627–5237, fax (562) 627–5210, to establish the appropriate repair or replacement interval.

Note 3: Operators should note that, unlike the recommended compliance time of ''within 3,000 landings after discovery of cracking,'' which is specified in the service bulletin as the time for accomplishing the permanent splice repair or replacement of the spar cap, this AD requires that operators contact the FAA prior to further flight. The FAA finds that the repair/replacement interval should be established based on the crack progression. Where there are differences between the AD and the service bulletin in this regard, the AD prevails.

(ii) If any new crack is found during any repetitive eddy current inspection following accomplishment of the temporary repair, prior to further flight, accomplish the permanent repair in accordance with the service bulletin.

(d) *Reporting Requirement.* Within 10 days after accomplishing the initial visual/dye penetrant and ultrasonic inspections required by paragraph (a) of this AD, submit a report of the inspection results (both positive and negative findings) to the Manager, Los Angeles ACO, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5237; fax (562) 627–5210. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120–0056.

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

(f) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(g) The actions shall be done in accordance with McDonnell Douglas MD–80 Service Bulletin 57–184, Revision 1, dated December 22, 1994. This incorporation by reference was approved previously by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51, as of December 19, 1996 (61 FR 58323, November 14, 1996). Copies may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Department C1–L51 (2–60). Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(h) This amendment becomes effective on September 4, 1997.

Issued in Renton, Washington, on August 13, 1997.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–22042 Filed 8–19–97; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 134

[T.D. 97–72]

RIN 1515–AB82

Country of Origin Marking

AGENCY: Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations to ease the requirement that whenever words appear on imported articles indicating the name of a geographic location other than the true country of origin of the article, the country of origin marking always must appear in close proximity and in comparable size lettering to those words preceded by the words ''Made in,'' ''Product of,'' or other words of similar meaning. Customs believes that, consistent with the statutory requirements of 19 U.S.C. 1304, the country of origin marking only needs to satisfy these requirements if the name of the other geographic location may mislead or deceive the ultimate purchaser as to the actual country of origin.

EFFECTIVE DATE: September 19, 1997.

FOR FURTHER INFORMATION CONTACT: Craig Walker, Office of Regulations and Rulings, 202–482–6980.

SUPPLEMENTARY INFORMATION:

Background

Section 304 of the Tariff Act of 1930, as amended (19 U.S.C. 1304) provides that, unless excepted, every article of foreign origin imported into the United States shall be marked in a conspicuous place as legibly, indelibly, and permanently as the nature of the article (or container) will permit, in such a manner as to indicate to the ultimate purchaser in the United States the English name of the country of origin of the article. Congressional intent in enacting 19 U.S.C. 1304 was that the ultimate purchaser should be able to know by an inspection of the marking on the imported goods the country of which the goods are a product. Part 134, Customs Regulations (19 CFR part 134), implements the country of origin marking requirements and exceptions to 19 U.S.C. 1304.

Section 134.46, Customs Regulations (19 CFR 134.46) provides that in any case in which the words ''United States'' or ''American,'' the letters ''U.S.A.,'' any variation of such words or letters, or the name of any city or locality in the United States, or the name of any foreign country or locality other than the country or locality in which the article was manufactured or produced, appear on an imported article or its container, there shall appear, legibly and permanently, in close proximity to such words, letters or name, and in at least a comparable size, the name of the country of origin preceded by ''Made in,'' ''Product of,'' or other words of similar meaning.

Section 134.46 was promulgated pursuant to the statutory authority of 19 U.S.C. 1304(a)(2), which provides that the Secretary of the Treasury may by regulations require the addition of any words or symbols which may be appropriate to prevent deception or mistake as to the origin of the article or as to the origin of any other article with which such imported article is usually combined subsequent to importation but before delivery to an ultimate purchaser.

A strict application of § 134.46 would require that in any case in which a non-origin locality reference appears on an imported article or its container, the actual country of origin of the article must appear in close proximity and in comparable size lettering to the locality reference preceded by the words ''Made in,'' ''Product of,'' or other words of similar meaning.

Because Customs believes that the strict requirements of § 134.46 are not always necessary to ''prevent deception or mistake as to the origin of the article'' in accordance with 19 U.S.C. 1304, Customs proposed to modify § 134.46 in a Notice of Proposed Rulemaking published in the **Federal Register** (60 FR 57559) on November 16, 1995.

In that document, Customs also proposed to remove § 134.36(b), which provides that an exception from marking shall not apply to any article or retail container bearing any words, letters, names or symbols described in § 134.46 or § 134.47 which imply that an article was made or produced in a country other than the actual country of origin. Since the special marking requirements of § 134.46, as proposed to be amended, would be triggered only when the the marking appearing on an imported article or its container is capable of misleading or deceiving an ultimate purchaser as to the actual country of origin of the article, § 134.36(b), which serves the same purpose, would be redundant and no longer needed.

The proposal to modify § 134.46 reflected Customs practice in applying the regulation. Customs has applied a less stringent standard in determining whether the country of origin marking appearing on an imported article or its container is acceptable. That is, Customs takes into account the question of whether the presence of words or symbols on an imported article or its container can mislead or deceive the ultimate purchaser as to the actual country of origin of the article. Consequently, if a non-origin locality reference appears on an imported article or its container, Customs applies the special marking requirements of § 134.46 only if it finds that the reference may mislead or deceive the ultimate purchaser as to the actual country of origin of the imported article. If Customs concludes that the non-origin locality reference would not mislead or deceive an ultimate purchaser as to the actual country of origin of the imported article, Customs' policy is that the special marking requirements of § 134.46 are not triggered, and the origin marking only needs to satisfy the general requirements of permanency, legibility and conspicuousness under 19 U.S.C. 1304 and 19 CFR part 134. This less stringent application is evidenced in