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## DEPARTMENT OF THE TREASURY

### Customs Service

#### 19 CFR Part 102

[T.D. 96-56]

#### Rules of Origin for Textile and Apparel Products

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

**ACTION:** Final rule.

**SUMMARY:** This document sets forth technical corrections to the Customs Regulations which govern the determination of the country of origin of textile and apparel products for purposes of laws enforced by Customs. The changes involve an updating of certain tariff subheading references and the correction of an error in the text of one tariff shift rule.

**EFFECTIVE DATE:** July 22, 1996.

**FOR FURTHER INFORMATION CONTACT:** Phil Robins, Office of Regulations and Rulings (202-482-7029).

#### SUPPLEMENTARY INFORMATION:

##### Background

On September 5, 1995, Customs published T.D. 95-69 in the Federal Register (60 FR 46188) containing final amendments to the Customs Regulations to set forth standards governing the determination of the country of origin of textile and apparel products for purposes of laws enforced by Customs. The regulatory amendments primarily implemented the provisions of section 334 of the Uruguay Round Agreements Act (Public Law 103-465, 108 Stat. 4809) and included a new § 102.21 (19 CFR 102.21) which covers the majority of the section 334 provisions and applies to goods entered, or withdrawn from warehouse, for consumption on or after July 1, 1996.

Section 102.21(b)(5) defines a "textile or apparel product" as a good classifiable in specified chapters, headings or subheadings of the Harmonized Tariff Schedule of the United States (HTSUS). Section 102.21(c) sets forth the general rules for determining the country of origin of a textile or apparel product and, in paragraph (c)(2), allows for the

determination of the country of origin of a good on the basis of a tariff classification change and/or other requirement specified for the good in paragraph (e). Paragraph (e) of § 102.21 incorporates a table consisting of a list of HTSUS headings and subheadings together with corresponding specified tariff shift and/or other requirements.

The HTSUS references in the § 102.21 texts were based on the 1995 version of the HTSUS. However, the 1996 version of the HTSUS incorporates a number of subheading number changes as a result of amendments made to the international Harmonized System, one of which involved the redesignation of subheading 7019.10 as subheading 7019.19 and another of which involved the replacement of subheading 7019.20 by new subheadings 7019.40-7019.59. Accordingly, this document makes the following changes within the § 102.21 texts to conform them to the 1996 HTSUS: (1) in the list of HTSUS headings and subheadings in paragraph (b)(5), "7019.10.15" is changed to read "7019.19.15" and "7019.10.28" is changed to read "7019.19.28" and "7019.20" is changed to read "7019.40-59"; (2) in the table under paragraph (e), in the "HTSUS" column, "7019.10.15" is changed to read "7019.19.15" and "7019.10.28" is changed to read "7019.19.28" and "7019.20" is changed to read "7019.40-7019.59", and in the corresponding specific rules in the "Tariff shift and/or other requirements" column, each reference to "7019.10.15" is changed to read "7019.19.15" and each reference to "7019.10.28" is changed to read "7019.19.28" and the reference to "7019.20" is changed to read "7019.40 through 7019.59"; and (3) also in the "Tariff shift and/or other requirements" column in the table under paragraph (e), in the second tariff shift rule for newly designated subheadings 7019.19.15 and 7019.19.28, the exception clause is changed to read "except from subheading 7019.19.30 through 7019.19.90, 7019.31.00 through 7019.39.50, and 7019.90".

In addition, it is noted that in the table under paragraph (e) of § 102.21, the tariff shift rule for newly designated subheadings 7019.40-7019.59 (which cover woven fabrics of rovings and other woven fabrics) specifies a change from any other "heading" and includes a proviso that the change must be the result of a fabric-making process. It is further noted that heading 7019 (which covers glass fibers and articles thereof) includes subheadings for glass fiber rovings (subheading 7019.12.00) and yarns (subheadings 7019.19.05-7019.19.28) which are the products from which the fabrics of subheadings

7019.40-7019.59 are made and without which those fabrics could not exist. Therefore, by specifying a change from any other "heading" (that is, any heading other than heading 7019) rather than a change from any other "subheading" (so as to allow a change from subheadings 7019.12.00 and 7019.19.05-7019.19.28), the tariff shift rule for subheadings 7019.40-7019.59 has no substantive utility because the rule disallows the very tariff shifts that would be involved in producing the goods covered by those subheadings. Accordingly, this document amends the tariff shift rule for subheadings 7019.40-7019.59 to refer to a change from any other "subheading" in order to correct this obvious drafting error.

Executive Order 12866, Regulatory Flexibility Act, and Inapplicability of Notice and Delayed Effective Date Requirements

This document does not meet the criteria for a "significant regulatory action" as specified in Executive Order 12866. In addition, pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), it is certified that the amendments will not have a significant economic impact on a substantial number of small entities because the amendments either merely conform the regulations to existing statutory provisions or correct an obvious error. For the same reasons and in view of the July 1, 1996, effective date of the regulatory provisions to which these amendments relate, it is determined pursuant to the provisions of 5 U.S.C. 553(b)(B) that notice and public procedures thereon are unnecessary and contrary to the public interest, and it is determined pursuant to the provisions of 5 U.S.C. 553(d)(3) that good cause exists for dispensing with a delayed effective date.

#### Drafting Information

The principal author of this document was Francis W. Foote, 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 102

Customs duties and inspections, Imports, Reporting and recordkeeping requirements, Rules of origin, Trade agreements.

#### Amendments to the Regulations

Accordingly, for the reasons stated above, Part 102, Customs Regulations (19 CFR Part 102), is amended as set forth below.

**PART 102—RULES OF ORIGIN**

1. The authority citation for Part 102 continues to read as follows:

Authority: 19 U.S.C. 66, 1202 (General Note 20, Harmonized Tariff Schedule of the United States), 1624, 3314, 3592.

**§ 102.21 [Amended]**

2. Section 102.21(b)(5) is amended by removing the listings “7019.10.15” and “7019.10.28” and “7019.20” and adding, in their place in numerical order, the listings “7019.19.15” and “7019.19.28” and “7019.40–59”.

3. In § 102.21(e), the table is amended by removing the entries for HTSUS

7019.10.15 and HTSUS 7019.10.28 and HTSUS 7019.20 and adding, in their place, entries for HTSUS 7019.19.15 and HTSUS 7019.19.28 and HTSUS 7019.40–7019.59 to read as follows:

**§ 102.21 Textile and apparel products.**

\* \* \* \* \*

(e) \* \* \*

HTSUS	Tariff shift and/or other requirements
* * * * *	* * * * *
7019.19.15 .....	(1) If the good is of filaments, a change to subheading 7019.19.15 from any other heading, provided that the change is the result of an extrusion process.
	(2) If the good is of staple fibers, a change to subheading 7019.19.15 from any other subheading, except from subheading 7019.19.30 through 7019.19.90, 7019.31.00 through 7019.39.50, and 7019.90, and provided that the change is the result of a spinning process.
7019.19.28 .....	(1) If the good is of filaments, a change to subheading 7019.19.28 from any other heading, provided that the change is the result of an extrusion process.
	(2) If the good is of staple fibers, a change to subheading 7019.19.28 from any other subheading, except from subheading 7019.19.30 through 7019.19.90, 7019.31.00 through 7019.39.50, and 7019.90, and provided that the change is the result of a spinning process.
7019.40–7019.59 .....	A change to subheading 7019.40 through 7019.59 from any other subheading, provided that the change is the result of a fabric-making process.
* * * * *	* * * * *

George J. Weise,  
*Commissioner of Customs.*

Approved: June 17, 1996.

John P. Simpson,  
*Deputy Assistant Secretary of the Treasury.*  
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**INTERNATIONAL TRADE COMMISSION****19 CFR Parts 201 and 207****Amendments to Rules of Practice and Procedure**

**AGENCY:** United States International Trade Commission.

**ACTION:** Final rulemaking.

**SUMMARY:** The United States International Trade Commission (the Commission) hereby amends its Rules of Practice and Procedure concerning antidumping and countervailing duty investigations and reviews in 19 CFR parts 201 and 207. The amendments have two purposes. First, they conform the Commission's rules, on a permanent basis, to the requirements of the Uruguay Round Agreements Act (URAA). Second, the amendments will improve the effectiveness and efficiency of the Commission's procedures in conducting antidumping and countervailing duty investigations and reviews.

**DATES:** In accordance with the 30-day advance publication requirement imposed by 5 U.S.C. 553(d), the

effective date of these rules is August 21, 1996.<sup>1</sup>

**FOR FURTHER INFORMATION CONTACT:**

Marc A. Bernstein, Office of General Counsel, United States International Trade Commission, telephone 202–205–3087. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810.

**SUPPLEMENTARY INFORMATION:****Background**

The URAA was enacted on December 8, 1994. It contains provisions which, inter alia, amend Title VII of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1671 et seq.) concerning antidumping and countervailing duty investigations and reviews. Enactment of the URAA necessitated that the Commission amend its rules concerning Title VII practice and procedure.

Commission rules to implement new legislation ordinarily are promulgated in accordance with the rulemaking procedures of section 553 of the Administrative Procedure Act (APA) (5 U.S.C. 551 et seq.), which entails the following steps: (1) Publication of a notice of proposed rulemaking; (2) solicitation of public comment on the proposed rules; (3) Commission review

<sup>1</sup> Commissioner Newquist and Commissioner Bragg disapproved the issuance of these final rules. Their reasons for disapproval are set forth in Memorandum CO67– and 71–T–007, copies of which are available on request from the Office of the Secretary, 202–205–2000.

of such comments prior to developing final rules; and (4) publication of final rules thirty days prior to their effective date. See 5 U.S.C. 553. That procedure could not be utilized in this instance because the new legislation was enacted on December 8, 1994, and became effective on January 1, 1995. Because it was not possible to complete the section 553 rulemaking prior to the effective date of the new legislation, the Commission adopted interim rules that came into effect at the same time as the URAA. These interim amendments to part 207 of the Commission's rules of practice and procedure were published in the Federal Register on January 3, 1995. 60 FR 18 (Jan. 3, 1995). The Commission additionally requested comment on the interim rules.

Both as a result of comments received in response to the notice of interim rulemaking and as a result of the Commission's own independent examination of its procedures in antidumping and countervailing duty investigations and reviews, the Commission decided to propose permanent changes to its part 201 and 207 rules. The Commission published a Notice of Proposed Rulemaking (NPR) in the Federal Register on October 3, 1995. 60 FR 51748 (Oct. 3, 1995). In the NPR, the Commission proposed to issue as final rules all but one of the interim rules that were published in the January 3, 1995, Federal Register notice; it further proposed changes to several of these rules. The Commission also proposed amendments to several rules