

**PART 71—[AMENDED]**

1. The authority citation for 14 CFR part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; EO 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

**§ 71.1 [Amended]**

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9E, Airspace Designations and Reporting Points, dated September 10, 1997, and effective September 16, 1997, is amended as follows:

*Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

**AEA PA E5 Collegeville, PA [New]**

Rhone-Poulenc Rorer Collegeville Heliport, PA

Point In Space Coordinates

(Lat. 40°10'08" N., long. 75°28'35" W.)

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Point In Space serving Rhone-Poulenc Rorer Collegeville Heliport, excluding that portion that coincides with the Pottstown, PA, North Philadelphia, PA, and Philadelphia, PA, Class E airspace areas.

\* \* \* \* \*

Issued in Jamaica, New York on August 17, 1998.

**Franklin D. Hatfield,**

*Manager, Air Traffic Division, Eastern Region.*

[FR Doc. 98–23000 Filed 8–26–98; 8:45 am]

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**DEPARTMENT OF COMMERCE****Bureau of the Census****15 CFR Part 30**

[Docket No. 980729198–8198–01]

RIN 0607–AA28

**Shipper's Export Declaration Requirements for Exports Valued at Less Than \$2,500**

**AGENCY:** Bureau of the Census, Commerce.

**ACTION:** Final rule.

**SUMMARY:** To further the Bureau of the Census' efforts in harmonizing the Foreign Trade Statistics Regulations (FTSR) with the Bureau of Export Administration's Export Administration Regulations (EAR), this final rule amends the FTSR by revising the Shipper's Export Declaration (SED) provisions to expand the country scope of the \$2,500 exemption for filing an SED with the Bureau of the Census.

The revisions contained in this document are consistent with concurrent revisions to the provisions of the Bureau of Export Administration's EAR. The Department of Treasury concurs with the provisions contained in this final rule.

**EFFECTIVE DATE:** August 27, 1998.

**FOR FURTHER INFORMATION CONTACT:** C. Harvey Monk, Jr., Chief, Foreign Trade Division, Bureau of the Census, Room 2104, Federal Building 3, Washington, D.C. 20233–6700, by telephone on (301) 457–2255 or by fax on (301) 457–2645.

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

The Bureau of the Census is amending the FTSR to further its efforts in harmonizing the FTSR with the Bureau of Export Administration's EAR. Specifically, this rule amends § 30.55(h) of the FTSR by revising the SED requirements for exports of items valued at \$2,500 or less that do not require a license. With this change, no SED is required for any shipment, except for shipments to Cuba, Iran, Iraq, Libya, North Korea, Sudan, or Syria, if the shipment is valued at \$2,500 or less per Schedule B Number. The current exemption applied only to countries in Country Group B and China. Note that this exemption does not apply to shipments exported through the U.S. Postal Service, shipments requiring a license from the Department of Commerce, Department of State, or Department of Justice, or shipments of items subject to the International Traffic in Arms Regulations but exempt from license requirements. Conforming amendments to the EAR will be published in the **Federal Register** by the Bureau of Export Administration.

**Rulemaking Requirements**

This rule is exempt from all requirements of Section 553 of the Administrative Procedure Act because it deals with a foreign affairs function (5 U.S.C. (A) (1)).

**Regulatory Flexibility Act**

Because a notice of proposed rulemaking is not required by 5 U.S.C. 553 or any other law, a Regulatory Flexibility Analysis is not required and has not been prepared (5 U.S.C. 603 (a)).

**Executive Orders**

This rule has been determined not to be significant for purposes of Executive Order 12866. This rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under Executive Order 12612.

**Paperwork Reduction Act**

Notwithstanding any other provisions of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act (PRA) unless that collection of information displays a currently valid Office of Management and Budget (OMB) control number.

This rule covers collections of information subject to the provisions of the PRA, which are cleared by the OMB under OMB Control Number 0607–0152.

This rule will result in a nonmeasurable reduction in the reporting-hour burden requirements. The expansion of the country scope of the exemption will affect only a small percentage of SEDs. It will not measurably impact the current response burden requirement as approved under OMB Control number 0607–0152, under provisions of the Paperwork Reduction Act of 1995, Public Law 104–13.

**List of Subjects in 15 CFR Part 30**

Economic statistics, Foreign trade, Exports, Reporting and recordkeeping requirements.

For the reasons set out in the preamble, 15 CFR Part 30 is amended as follows:

**PART 30—FOREIGN TRADE STATISTICS**

1. The authority citation for 15 CFR Part 30 continues to read as follows:

**Authority:** 5 U.S.C. 301; 13 U.S.C. 301–307; Reorganization Plan No. 5 of 1950 (3 CFR 1949–1953 Comp., 1004); Department of Commerce Organization Order No. 35–2A, August 4, 1975, 40 CFR 42765.

**Subpart A—General Requirements—Exporter**

2. Section 30.55 is amended by revising paragraphs (h) introductory text and (h)(1) to read as follows:

**§ 30.55 Miscellaneous exemptions.**

\* \* \* \* \*

(h) Except as noted in paragraph (h)(2) of this section and for exports to Cuba, Iran, Iraq, Libya, North Korea, Sudan, and Syria, shipments of commodities where the value of the commodities, shipped from one exporter to one consignee on a single exporting carrier, classified under an individual Schedule B number, is \$2,500 or less. For Cuba, Iran, Iraq, Libya, North Korea, Sudan and Syria, a SED is required regardless of the value of the shipment.

(1) This exemption applies to individual Schedule B commodity numbers regardless of the total

shipment value. In instances where a shipment contains a mixture of individual Schedule B commodity numbers valued \$2,500 or less and individual Schedule B commodity numbers valued over \$2,500, only those commodity numbers valued \$2,500 or more need be reported on a Shipper's Export Declaration.

\* \* \* \* \*

Dated: July 29, 1998.

**James F. Holmes**

*Acting Director, Bureau of the Census*

[FR Doc. 98-23017 Filed 8-26-98; 8:45 am]

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## DEPARTMENT OF COMMERCE

### Bureau of Export Administration

#### 15 CFR Part 758

[Docket No. 980730200-8200-01]

RIN 0694-AB71

#### Shipper's Export Declaration Requirements for Exports Valued Less Than \$2,500

**AGENCY:** Bureau of Export Administration, Commerce.

**ACTION:** Final rule.

**SUMMARY:** To further the Bureau of Export Administration's efforts in harmonizing the Export Administration Regulations (EAR) with the Bureau of the Census Foreign Trade Statistics Regulations, this final rule amends the EAR by revising the Shipper's Export Declaration (SED) provisions to expand the country scope of the \$2,500 exemption for filing an SED with the Bureau of the Census. This final rule also clarifies that the Harmonized Tariff Schedule number may be used in lieu of the Schedule B number on the Shipper's Export Declaration. This final rule will not significantly affect the paperwork burden on U.S. industry.

**DATES:** This rule is effective August 27, 1998.

**FOR FURTHER INFORMATION CONTACT:** Nancy Crowe, Regulatory Policy Division, Bureau of Export Administration, at (202) 482-2440.

#### SUPPLEMENTARY INFORMATION:

##### Background

The Bureau of Export Administration (BXA) is amending the Export Administration Regulations (EAR) to further its efforts in harmonizing the EAR with the Bureau of the Census Foreign Trade Statistics Regulations (FTSR). Specifically, this rule amends § 758.1(e)(1)(i)(A) of the EAR by revising

the Shipper's Export Declaration (SED) requirements for exports of items valued at \$2,500 or less. With this change, no SED is required for any shipment, other than a shipment made under a license issued by BXA or shipments to Cuba, Iran, Iraq, Libya, North Korea, Sudan, or Syria, if the shipment is valued at \$2,500 or less per Schedule B Number. Conforming amendments to the FTSR will be published in the **Federal Register** by the Bureau of the Census.

This rule also amends §§ 758.1 and 758.3 of the EAR by replacing the phrase "or other number acceptable to the Foreign Trade Division, Bureau of the Census" with the phrase "or Harmonized Tariff Schedule number." This will clarify an existing policy of the Bureau of the Census to allow exporters to use either the Schedule B number or the Harmonized Tariff Schedule number when preparing the SED.

Although the Export Administration Act (EAA) expired on August 20, 1994, the President invoked the International Emergency Economic Powers Act and continued in effect the EAR, and, to the extent permitted by law, the provisions of the EAA in Executive Order 12924 of August 19, 1994, extended by Presidential notice of August 13, 1998 (63 FR 44121, August 17, 1998).

#### Rulemaking Requirements

1. This interim rule has been determined to be not significant for purposes of E.O. 12866.

2. Notwithstanding any other provision of law, no person is required to, nor shall any person be subject to a penalty for failure to comply with a collection of information, subject to the Paperwork Reduction Act (PRA), unless that collection of information displays a currently valid OMB Control Number. This rule involves a collection of information subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This collection has been approved by the Office of Management and Budget under control number 0607-0152.

3. This rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under Executive Order 12612.

4. The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a military and foreign affairs function of the United States (Sec. 5 U.S.C. 553(a)(1)). Further, no other law requires that a notice of

proposed rulemaking and an opportunity for public comment be given for this rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under 5 U.S.C. or by any other law, the requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable.

#### List of Subjects in 15 CFR Part 758

Administrative practice and procedure, Exports, Foreign trade, Reporting and record keeping requirements.

Accordingly, part 758 of the Export Administration Regulations (15 CFR Parts 730-799) is amended as follows:

1. The authority citation for 15 CFR part 758 continues to read as follows:

**Authority:** 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; E.O. 12924, 3 CFR, 1994 Comp., p. 917; Notice of August 13, 1997 (62 FR 43629, August 15, 1997).

#### PART 758—[AMENDED]

2. Section 758.1 is amended by revising the paragraph (e)(1)(i)(A) to read as follows:

##### § 758.1 Export clearance requirements

\* \* \* \* \*

(e) \* \* \*

(1) \* \* \*

(i) \* \* \*

(A) Any shipment, other than a shipment made under a license issued by BXA or shipments to Cuba, Iran, Iraq, Libya, North Korea, Sudan or Syria if the shipment is valued at \$2,500 or less per Schedule B Number. The Schedule B number of an item is shown in the current edition of the Schedule B, *Statistical Classification of Domestic and Foreign Commodities Exported from the United States*. As used in this paragraph (e), "shipment" means all items classified under a single Schedule B number (or Harmonized Tariff Schedule number if the Schedule B number is not available), shipped on the same carrier, from one exporter to one importer. The Foreign Trade Statistics Regulations of the Bureau of the Census (15 CFR part 30) shall govern the valuation of items when determining whether a shipment meets the \$2,500 threshold of this paragraph.

\* \* \* \* \*

##### § 758.3 [Amended]

3. Section 758.3 is amended by revising the parenthetical phrase "(or other number acceptable to the Foreign Trade Division, Bureau of the Census)" to read "(or Harmonized Tariff Schedule number)" in the following places: