Air Traffic Control Assigned Airspace above the Saddle, OR, and Paradise, ID, Military Operations Areas (MOA). These commenters stated that the proposal would adversely effect their ability to conduct training to maintain combat effectiveness.

The FAA has determined, after a review of procedures between the Salt Lake City Air Route Traffic Control Center and the military units, that the extension of J–523 as proposed in the notice will allow air traffic control to continue to provide the maximum service to all airspace users, including the military. ATCAA procedures will be developed through a letter of agreement between air traffic control and the military. Except for editorial changes, this amendment is the same as that proposed in the notice. Jet routes are published in paragraph 2004 of FAA Order 7400.9A dated June 17, 1993, and effective September 16, 1993, which is incorporated by reference in 14 CFR 71.1 (58 FR 36298, July 6, 1993). The jet routes listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations extends segments of Jet Routes J–163 and J–523 located in the vicinity of Washington State, Oregon, Idaho, Utah, Wyoming, and Colorado. This action will enhance traffic flow and reduce controller workload on frequently used high altitude routes.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(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) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71, as follows:

PART 71—[AMENDED]

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

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9A, Airspace Designations and Reporting Points, dated June 17, 1993, and effective September 16, 1993, is amended as follows:

Paragraph 2004—Jet Routes

* * * * *

J–163 [Revised]

From Baker, OR, via Boise, ID; Pocatello, ID; Rock Springs, WY; to Hayden, CO.

* * * * *

J–523 [Revised]

From Bryce Canyon, UT; Ely, NV; Rome, OR; Kimberly, OR; Klickitat, WA; Seattle, WA; Tatoosh, WA; Port Hardy, BC, Canada; Sandspit, BC, Canada; to Annette Island, AK; excluding the airspace within Canada.

* * * * *

Issued in Washington, DC, on April 21, 1994.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 94-11957 Filed 5–16–94, 8:45 am]

Billing Code 4910–13–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 381

[Docket No. RM94–15–000]

Annual Update of Filing Fees

May 11, 1994.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: In accordance with § 381.104 of the Commission's regulations, the Commission issues this update of its filing fees. This document provides the yearly update using data in the Commission's Payroll Utilization Reporting System to calculate the new fees. The purpose of updating is to adjust the fees on the basis of the Commission's costs for Fiscal Year 1993.

EFFECTIVE DATE: June 16, 1994.

FOR FURTHER INFORMATION CONTACT: Maria Bondarenko, Office of the Executive Director and Chief Financial Officer, Federal Energy Regulatory Commission, 810 First Street, NE., room 631, Washington, DC 20426, (202) 219–2877.

SUPPLEMENTARY INFORMATION: In addition to publishing the full text of this document in the **Federal Register**, the Commission also provides all interested persons an opportunity to inspect or copy the contents of this document during normal business hours in room 3308, 941 North Capitol Street, NE., Washington, DC 20426.

The Commission Issuance Posting System (CIPS), an electronic bulletin board service, provides access to the texts of formal documents issued by the Commission. CIPS is available at no charge to the user and may be accessed using a personal computer with a modem by dialing (202) 208–1397. To access CIPS, set your communications software to use 300, 1200 or 2400 baud, full duplex, no parity, 8 data bits, and 1 stop bit. The full text of this notice will be available on CIPS for 30 days from the date of issuance. The complete text on diskette in WordPerfect format may also be purchased from the Commission's copy contractor, La Dorn Systems Corporation, also located in room 3308, 941 North Capitol Street, NE., Washington, DC 20426.

The Federal Energy Regulatory Commission (Commission), by its designee the Executive Director and Chief Finanical Officer[1] is issuing this notice to update filing fees the Commission assesses for specific services and benefits provided to identifiable beneficiaries. Pursuant to § 381.104 of the Commission's regulations, the Commission is establishing updated fees on the basis of the Commission's Fiscal Year 1993 costs.[2] The adjusted fees announced in this notice are effective June 16, 1994. The new fee schedule is as follows:

FEES APPLICABLE TO THE NATURAL GAS POLICY ACT

1. Review of jurisdictional agency determinations. (18 CFR 381.402)	$100
2. Petitions for rate approval pursuant to 18 CFR 284.123(b)(2). (18 CFR 381.403)	5,440
3. Initial or extension reports for Title III transactions. (18 CFR 381.404)	120

[1] 18 CFR 375.313(a).

[2] The formula for updating the filing fees was revised in Order No. 548, 58 FR 2968 (January 7, 1993); III FERC Stats. & Regs.¶ 30,960 (1993). Under the revised formula, for most fees, cost data from the most recent year is used to update fees based on completions and work time data from a given 6-year period.

FEES APPLICABLE TO THE NATURAL GAS POLICY ACT—Continued

Fees Applicable to General Activities	
1. Petition for issuance of a declaratory order (except under Part I of the Federal Power Act). (18 CFR 381.302)	10,930
2. Review of a Department of Energy remedial order:.	
Amount in controversy:	
$0–9,999. (18 CFR 381.303(b))	100
$10,000–29,999. (18 CFR 381.303(b))	600
$30,000 or more. (18 CFR 381.303(a))	15,960
3. Review of a Department of Energy denial of adjustment:.	
Amount in controversy:	
$0–9,999. (18 CFR 381.304(b))	100
$10,000–29,999. (18 CFR 381.304(b))	600
$30,000 or more. (18 CFR 381.304(a))	8,370
4. Written legal interpretations by the Office of the General Counsel. (18 CFR 381.305(a))	3,130
Fees Applicable to Natural Gas Pipelines:	
1. Pipeline certificate applications pursuant to 18 CFR 284.224. (18 CFR 381.207(b))	1,000
Fees Applicable to Cogenerators and Small Power Producers:	
1. Certification of qualifying status as a small power production facility. (18 CFR 381.505(a))	9,400
2. Certification of qualifying status as a cogeneration facility. (18 CFR 381.505(a))	10,640
3. Applications for exempt wholesale generator status. (18 CFR 381.801)	1,350
Fees Applicable to the Public Utility Regulatory Policies Act of 1978:	
1. 5 Megawatt exemption application. (18 CFR 381.601)	21,860

List of Subjects in 18 CFR Part 381

Electric power plants, Electric utilities, Natural gas, Reporting and recordkeeping requirements.

Christie McGue,

Executive Director and Chief Financial Officer.

In consideration of the foregoing, the Commission amends Part 381, chapter I, title 18, *Code of Federal Regulations*, as set forth below.

PART 381—FEES

1. The authority citation for Part 381 continues to read as follows:

Authority: 15 U.S.C. 717–717w; 16 U.S.C. 791–828c, 2601–2645; 31 U.S.C. 9701; 42 U.S.C. 7101–7352; and 49 U.S.C. 1–27.

§ 381.302 [Amended]

2. In § 381.302, paragraph (a) is amended by removing "§ 10,810" and adding "§ 10,930" in its place.

§ 381.303 [Amended]

3. In § 381.303, paragraph (a) is amended by removing "§ 15,780" and adding "§ 15,960" in its place.

§ 381.304 [Amended]

4. In § 381.304, paragraph (a) is amended by removing "§ 8,270" and adding "§ 8,370" in its place.

§ 381.305 [Amended]

5. In § 381.305, paragraph (a) is amended by removing "§ 3,100" and adding "§ 3,130" in its place.

§ 381.403 [Amended]

6. Section 381.403 is amended by removing "§ 5,380" and adding "§ 5,440" in its place.

§ 381.404 [Amended]

7. Section 381.404 is amended by removing "§ 110" and adding "§ 120" in its place.

§ 381.505 [Amended]

8. In § 381.505, paragraph (a) is amended by removing "§ 9,300" and adding "§ 9,400" in its place and by removing "§ 10,520" and adding "§ 10,640" in its place.

§ 381.601 [Amended]

9. Section 381.601 is amended by removing "§ 20,620" and adding "§ 21,860" in its place.

§ 381.801 [Amended]

10. Section 381.801 is amended by removing "§ 1,000" and adding "§ 1,350" in its place.

[FR Doc. 94–11886 Filed 5–16–94; 8:45 am]
BILLING CODE 6717–01–P

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 10, 123, 145 and 178

[T.D. 94–47]

RIN 1515–AB40

Elimination of Certain Documentation Requirements for Articles Entered Under Various Special Tariff Treatment Programs and Provisions

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

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations by removing certain documentation requirements relating to the entry of articles claimed to be entitled to a partial duty exemption or duty-free treatment under various special tariff provisions or programs. These provisions and programs involve the following: (1) American goods returned; (2) U.S.-made photographic films and dry plates returned after having been exposed abroad; (3) goods exported for repairs or alterations; (4) U.S.-processed metal articles exported for further processing; (5) the Generalized System of Preferences; and (6) the Caribbean Basin Initiative. The amendments reduce regulatory procedures and paperwork and thus facilitate the entry process for both the public and Customs without affecting the ability of Customs to ensure compliance with the basic legal requirements under these provisions and programs.

EFFECTIVE DATE: June 16, 1994.

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

SUPPLEMENTARY INFORMATION:

Background

In order to reduce regulatory procedures and paperwork and thus facilitate the merchandise entry process, on January 15, 1993, Customs published in the **Federal Register** (58 FR 4615) a notice of proposed rulemaking to amend the Customs Regulations by removing certain documentation requirements relating to the entry of articles claimed to be entitled to a partial duty exemption or duty-free treatment under various special tariff provisions or programs.

The substantive proposals set forth in the document involved the following:

1. In order to eliminate procedural burdens and delays and duplications of information collection, it was proposed to remove or revise certain paragraphs within § 10.1 of the Customs Regulations (19 CFR 10.1) to eliminate use of Customs Form 3311, Declaration for Free Entry of Returned American Products, for purposes of (a) duty-free treatment on products of the United States which are returned without having been advanced in value or improved in condition while abroad, as provided in subheading 9801.00.10, Harmonized Tariff Schedule of the United States (HTSUS), and (b) duty-free treatment on certain photographic films and dry plates manufactured in the United States and exposed abroad, as provided in subheading 9802.00.20, HTSUS. As a consequence of the elimination of Customs Form 3311 for purposes of these two tariff provisions,

the document also proposed to amend § 10.1 to require submission of a new declaration by the owner, importer, consignee or agent setting forth certain necessary and nonduplicative information elements contained on Customs Form 3311 and, where the returned article has a value of $1,000 or more and is not clearly marked with the name and address of the U.S. manufacturer, to allow the district director to require such other documentation or evidence as may be necessary to substantiate the claim for duty-free treatment.

2. Again in order to eliminate procedural burdens and delays and duplications of information collection, it was proposed to revise §§ 10.8 and 10.9 of the Customs Regulations (19 CFR 10.8 and 10.9) to eliminate use of Customs Form 4455, Certificate of Registration, for articles exported for repairs, alterations or processing and returned to the United States with a claim for reduced-duty treatment under subheading 9802.00.40, 9802.00.50 or 9802.00.60, HTSUS. As a consequence of the elimination of Customs Form 4455 for purposes of these three tariff provisions, the document also proposed to amend §§ 10.8 and 10.9 to set forth a new standard format for the declaration by the owner, importer, consignee or agent required under the regulations in order to reflect certain necessary and nonduplicative information elements contained on Customs Form 4455.

3. Finally, in order to reduce unnecessary paperwork, the document proposed to amend the Customs Regulations by eliminating use of the Certificate of Origin Form A in connection with claims for duty-free treatment under the Generalized System of Preferences (GSP) and the Caribbean Basin Initiative (CBI), principally by revising § 10.173 (19 CFR 10.173) in the case of the GSP and § 10.198 (19 CFR 10.198) in the case of the CBI. Under the revised sections, the existing GSP or CBI Declaration would, if requested by Customs, serve as the basic documentary evidence to support the claim for duty-free treatment for merchandise not wholly the growth, product, or manufacture of the producing country and, in the case of merchandise which is wholly the growth, product, or manufacture of the producing country, a statement to that effect would have to be included on the commercial invoice or entry summary.

The notice of proposed rulemaking invited public comments on the proposals, which would be considered before adoption of a final rule. The public comment period closed on March 16, 1993.

Analysis of Comments

A total of eight commenters responded to the solicitation of comments during the public comment period. Of these, four commenters put forth no objections to the proposed regulatory changes and affirmatively supported one or more aspects thereof. The remaining commenters, although generally supportive of the purpose of the proposed amendments, also presented some objections and suggested some changes regarding the proposals. These objections and suggested changes, and the Customs responses thereto, are set forth below.

Comment: It is unclear how the elimination of Customs Forms 3311 and 4455 in the circumstances described in the notice would eliminate an administrative burden on Customs and provide benefits to the trade community when essentially the same information will be required in a different format (*e.g.*, "statements" and "declarations"). The change may add an element of confusion which could negate the simplification efforts. Customs Form 3311 should be retained for articles entered under subheading 9801.00.10, HTSUS, as the form is concise, provides all the information needed by Customs, and would eliminate the need for a new document (the declaration by the owner, importer, consignee or agent). Although present § 10.1(a)(3) requires the certificate of exportation on the bottom portion of Customs Form 3311 to be executed by the district director at the port of exportation, the current version of CF 3311 contains no certificate of exportation.

Customs response: The comment regarding the certificate of exportation is correct. However, Customs notes that the present regulatory provision would take precedence so as to require a certificate of exportation even where the extant form does not include it. The elimination of Customs Form 3311 in the circumstances set forth in the notice will rectify this anomalous situation, and it is further noted that where Customs Form 3311 would continue in use, the underlying regulatory provisions (§§ 10.1 (g), (h), (i) and (j)) either do not mention, or expressly provide for non-use of, the certificate of exportation.

Customs continues to believe that the elimination of Customs Forms 3311 and 4455 under the circumstances set forth in the notice would save time and expense for both Customs and the importing community. Although the proposed amendments to § 10.1 would require the submission of a new document (the declaration by the owner, importer, consignee or agent) to reflect certain information elements of Customs Form 3311, the declaration would not include other information available elsewhere in the entry package but currently required by Customs Form 3311. Such latter information includes the port and district, the date, the entry number and date, and the marks, numbers, description and value of the articles returned.

Similar benefits would result from the elimination of Customs Form 4455 for articles entered under subheadings 9802.00.40, 9802.00.50, and 9802.00.60, HTSUS. The proposed amendments to §§ 10.8 and 10.9 would eliminate the frequently impractical and time-consuming procedure involving examination of the goods and endorsement of the Customs Form 4455 by a Customs officer prior to exportation. In addition, certain information set forth elsewhere in the entry package but currently required to be provided on Customs Form 4455 would no longer be required, including the name of the exporting carrier, the bill of lading or insured number, the reason the articles are exported, a description of the articles, and the number and kind of packages.

Although some confusion on the part of the trade community and Customs may be inevitable whenever documentation requirements are eliminated or changed in some way, Customs believes that the benefits which would accrue from eliminating unnecessary procedures and redundant information collections far outweigh any temporary difficulties that may result. In order to minimize any confusion which could otherwise result when the proposed amendments to §§ 10.1, 10.8 and 10.9 (as well as to §§ 10.173 and 10.198 relating to the elimination of the Certificate of Origin Form A) take effect as a final rule, Customs will issue appropriate instructions to Customs field offices, for dissemination to the trade community as well, regarding the changed documentation requirements.

Comment: There is no need to require that the declaration by the owner, importer, consignee or agent provided for in proposed § 10.1(a)(2) include the reason for the return of the U.S.-origin article. This information is already provided to Customs when the importer inserts on the entry summary the appropriate statistical suffix under subheading 9801.00.10, HTSUS.

Customs response: Customs agrees. Accordingly, § 10.1(a)(2) as set forth below has been modified to not include in the declaration by the owner, importer, consignee, or agent the reason for the return of the articles.

Comment: The reference in paragraphs (a) and (b) of proposed § 10.1 to "$1,000" should be replaced by "$1,250" which is currently the general maximum for informal entries.

Customs response: Customs agrees. Accordingly, the references to "$1,000" are changed to "$1,250" in §§ 10.1(a) and (b) as set forth below.

Comment: Proposed § 10.1(b) gives the district director discretion to require "such other documentation or evidence as may be necessary to substantiate the claim for duty-free treatment" where the value of the returned articles exceeds $1,000 and they are not clearly marked with the name and address of the U.S. manufacturer. This provision should be revised to specifically identify the kind of additional documentation and evidence that would be acceptable, as well as the circumstances under which such documentation or evidence could be requested. Without this change, there would be no limit to the number and types of documents and evidence that district directors could require, perhaps resulting in increased, rather than reduced, paperwork as well as less administrative uniformity among the Customs districts.

Customs response: As a general proposition, an importer must meet its burden of satisfying a district director that articles are entitled to duty-free treatment under subheading 9801.00.10 or 9802.00.20, HTSUS. It is a common practice for district directors to request a statement from the U.S. manufacturer of the article verifying that the article was, in fact, made in the United States. In order to ensure that only those articles meeting the conditions and requirements of these tariff provisions will receive duty-free treatment, Customs believes it is important for district directors to have the discretion to require a U.S. manufacturer's certificate or some other appropriate document or other evidence of U.S. origin.

Proposed § 10.1(b) was derived, to a great extent, from the following sentence which appears on the current version of Customs Form 3311:

> If the value of the article is $10,000 or more and the articles are not clearly marked with the name and address of U.S. manufacturer, please attach copies of any documentation or other evidence that you have that will support or substantiate your claim for duty-free status as American Goods Returned.

Proposed § 10.1(b) contained a $1,000 minimum amount (changed in this document to $1,250 as stated above) rather than the $10,000 used in the above-quoted sentence because (1) the $1,000 figure appears in present § 10.1(b) which is analogous in function to proposed § 10.1(b), and (2) it was determined that use of the higher amount would unnecessarily restrict the district director's ability to ensure that only articles meeting the terms of subheading 9801.00.10 or 9802.00.20, HTSUS, would receive duty-free treatment. It should be noted that whereas the submission of additional documentation or evidence is required by the above-quoted sentence on Customs Form 3311 under the described circumstances, it was made discretionary with the district director in proposed new § 10.1(b).

Customs agrees that new § 10.1(b) should set forth examples of the types of additional documentation or evidence that would be acceptable. Accordingly, the following second sentence has been added to § 10.1(b) as set forth below: "Such documentation or evidence may include a statement from the U.S. manufacturer verifying that the articles were made in the United States, or a U.S. export invoice, bill of lading or airway bill evidencing the U.S. origin of the articles and/or the reason for the exportation of the articles."

Comment: The declaration by the foreign shipper presently required in § 10.1(a)(1) (which would remain unchanged in the proposed amendments to § 10.1) should be eliminated because it is rarely submitted or required. Moreover, since the foreign shipper usually has no specific knowledge of the origin of the returned article, his/her statement regarding the U.S. origin of the article is meaningless.

Customs response: Customs does not agree that the declaration of the foreign shipper presently required by § 10.1(a)(1) should be eliminated. It contains information which assists the district director in determining whether the imported articles meet the conditions and requirements of subheading 9801.00.10, HTSUS, such as whether the articles were advanced in value or improved in condition while abroad. The declaration similarly assists the district director in regard to entries under subheading 9802.00.20, HTSUS. If the district director determines that this declaration is unnecessary, he/she may waive production of the document pursuant to § 10.1(d).

It is true that in most cases the foreign shipper will not have specific knowledge of the U.S. origin of the returned article. For this reason, and because the declaration of the owner, importer, consignee or agent includes the identity and location of the U.S. manufacturer, Customs agrees that the portion of the declaration of the foreign shipper regarding the U.S. origin of the article should be deleted. Section 10.1(a)(1), as set forth below, has been modified accordingly.

Comment: The documentation requirements in proposed § 10.8 fail to cover articles entered duty free under statistical suffix 10 of subheading 9802.00.50, HTSUS. This statistical breakout encompasses "Articles for which duty free treatment is claimed under U.S. Note 2(b) to this subchapter" (Subchapter II, Chapter 98, HTSUS). Note 2(b) provides that no article (except textile and apparel articles, petroleum and certain petroleum products) may be treated as a foreign article or as subject to duty if it is assembled or processed in a CBI beneficiary country wholly of components or ingredients of U.S. origin and neither the article nor the components or ingredients enters the commerce of a non-CBI country.

Customs response: The statutory provision (section 222 of the Customs and Trade Act of 1990, Public Law 101–382, 104 Stat. 629) which amended Note 2 to create this separate duty-free program failed to provide for a separate HTSUS subheading under which articles qualifying for such treatment may be entered. Therefore, as a matter of administrative convenience, statistical suffix 10 of subheading 9802.00.50, HTSUS, was specifically created for the entry of certain Note 2(b) articles. The conditions and requirements of Note 2(b) are entirely different from those of subheading 9802.00.50, HTSUS. Thus, Customs believes that including the documentation requirements for Note 2(b) articles in § 10.8 would be unnecessarily confusing. Customs intends to publish separate regulatory proposals relating to Note 2(b) in the near future.

Comment: The notice proposes to eliminate the requirement in §§ 10.173 and 10.198 that the importer or consignee file a Certificate of Origin Form A with Customs in connection with the entry of articles for which duty-free treatment is claimed under the GSP and CBI. Why is the Form A also not being eliminated as a documentation requirement under the U.S.-Israel Free Trade Area Implementation Act of 1985?

Customs response: Unlike the GSP and CBI, the U.S.-Israel Free Trade Area (FTA) Agreement specifically provides in Annex 3 for the submission of a Certificate of Origin when the claim for duty-free or reduced-duty treatment is made. Therefore, eliminating the

Certificate of Origin Form A for articles claimed to be entitled to special tariff treatment under the U.S.-Israel FTA would require modifications to the Agreement itself. The United States cannot undertake such action unilaterally.

Comment: Proposed §§ 10.173(a)(2) and 10.198(a)(2), relating to the GSP and CBI, respectively, provide that where merchandise covered by a formal entry is wholly the growth, product, or manufacture of a single beneficiary country, a statement to that effect shall be included on the commercial invoice and entry summary. Requiring the statement on both the commercial invoice and entry summary is a wasteful duplication of information collection; it should be required only on the invoice.

Customs response: Customs agrees that the statement should be required only on the commercial invoice provided to Customs. Sections 10.173(a)(2) and 10.198(a)(2) as set forth below have been modified accordingly.

Comment: While the "wholly the growth, product or manufacture" statement is required by proposed §§ 10.173(a)(2) and 10.198(a)(2), no such similar statement is required by proposed §§ 10.173(a)(1) and 10.198(a)(1), relating to merchandise which is not "wholly the growth, product, or manufacture" of a beneficiary country. With the elimination of the Form A, it would be prudent to require, with respect to all merchandise for which GSP or CBI treatment is requested, a statement on the commercial invoice that the merchandise either is or is not "wholly the growth, product or manufacture" of a beneficiary country and that the merchandise satisfies all of the GSP or CBI requirements for duty-free entry. The proposed regulations should authorize the district director to waive the requirement for such a statement on the commercial invoices where he/she is otherwise satisfied that the merchandise qualifies for GSP or CBI treatment.

Customs response: In instances in which the commercial invoice does not include a statement that the merchandise is "wholly the growth, product or manufacture" of a beneficiary country, Customs believes that it can reasonably be inferred that the merchandise is not such. Thus, it is not necessary to require the suggested negative statement in those instances. Moreover, it is Customs position that when a claim for GSP or CBI treatment is made, the importer is asserting that the merchandise satisfies all of the GSP or CBI requirements for duty-free entry. Therefore, there is no need to require a separate statement on the commercial invoice that the merchandise satisfies those requirements.

Conclusion

Accordingly, based on the comments received and the analysis of those comments as set forth above, Customs believes that the proposed regulatory amendments should be adopted as a final rule with certain changes thereto as discussed above and set forth below. As a consequence of the adoption of these substantive regulatory amendments, this document also includes an appropriate update of the list of information collection approvals contained in § 178.2 of the Customs Regulations (19 CFR 178.2).

Regulatory Flexibility Act

Pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), it is certified that the regulations will not have a significant economic impact on a substantial number of small entities. The regulations eliminate duplicative or otherwise unnecessary paperwork requirements and thus reduce the regulatory burden and consequent economic impact on those entities which file claims for tariff treatment under the subject provisions and programs. Accordingly, the regulations are not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

Executive Order 12866

This document does not meet the criteria for a "significant regulatory action" as specified in E.O. 12866.

Paperwork Reduction Act

The collection of information requirements contained in these final regulations have been reviewed and approved by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)) under control number 1515–0194. The estimated average annual burden associated with this collection is .6 hours per respondent or recordkeeper. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the U.S. Customs Service, Paperwork Management Branch, Room 6316, 1301 Constitution Avenue, NW., Washington, DC 20229, or the Office of Management and Budget, Attention: Desk Officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503.

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

19 CFR Part 10

Customs duties and inspection, Exports, Imports, Preference programs, Reporting and recordkeeping requirements.

19 CFR Part 123

Canada, Customs duties and inspection, Imports, Mexico.

19 CFR Part 145

Customs duties and inspection, Imports, Postal service.

19 CFR Part 178

Collections of information, Paperwork requirements, Reporting and recordkeeping requirements.

Amendments to the Regulations

Parts 10, 123, 145 and 178, Customs Regulations (19 CFR parts 10, 123, 145 and 178), are amended as set forth below.

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

1. The general authority citation for Part 10 is revised, and the specific authority citations for §§ 10.171 through 10.178 and §§ 10.191 through 10.198 continue to read, as follows:

Authority: 19 U.S.C. 66, 1202 (General Note 17, Harmonized Tariff Schedule of the United States), 1481, 1484, 1498, 1508, 1623, 1624;

* * * * *

Sections 10.171 through 10.178 also issued under 19 U.S.C. 2461 *et seq.*;

Sections 10.191 through 10.198 also issued under 19 U.S.C. 2701 *et seq.*;

* * * * *

2. In § 10.1, paragraph (a)(3) is removed, and the introductory text of paragraph (a), the introductory text and paragraph of the declaration by the foreign shipper before the table in paragraph (a)(1), paragraphs (a)(2), (b), (d), (f) and (h)(2), the first sentence of paragraph (i), and the first sentence of paragraph (j)(2) are revised to read as follows:

§ 10.1 Domestic products; requirements on entry.

(a) Except as otherwise provided for in paragraph (g), (h), (i) or (j) of this section or elsewhere in this part or in § 145.35 of this chapter, the following documents shall be filed in connection with the entry of articles in a shipment valued over $1,250 and claimed to be free of duty under subheading 9801.00.10 or 9802.00.20, Harmonized Tariff Schedule of the United States (HTSUS):

(1) A declaration by the foreign shipper in substantially the following form:

I, ______________________,
declare that to the best of my knowledge and belief the articles herein specified were exported from the United States, from the port of ______________ on or about ______________, 19_____, and that they are returned without having been advanced in value or improved in condition by any process of manufacture or other means.

* * * * *

(2) A declaration by the owner, importer, consignee, or agent having knowledge of the facts regarding the claim for free entry. If the owner or ultimate consignee is a corporation, such declaration may be signed by the president, vice president, secretary, or treasurer of the corporation, or may be signed by any employee or agent of the corporation who holds a power of attorney executed under the conditions outlined in subpart C, part 141 of this chapter and a certification by the corporation that such employee or other agent has or will have knowledge of the pertinent facts. This declaration shall be in substantially the following form:

I, ______________________,
declare that the (above) (attached) declaration by the foreign shipper is true and correct to the best of my knowledge and belief, that the articles were manufactured by ______________ (name of manufacturer) located in ______________ (city and state), that the articles were not manufactured or produced in the United States under subheading 9813.00.05, HTSUS, and that the articles were exported from the United States without benefit of drawback.

____
(Date)

____
(Address)

____
(Signature)

____
(Capacity)

(b) In any case in which the value of the returned articles exceeds $1,250 and the articles are not clearly marked with the name and address of the U.S. manufacturer, the district director may require, in addition to the declarations required in paragraph (a) of this section, such other documentation or evidence as may be necessary to substantiate the claim for duty-free treatment. Such other documentation or evidence may include a statement from the U.S. manufacturer verifying that the articles were made in the United States, or a U.S. export invoice, bill of lading or airway bill evidencing the U.S. origin of the articles and/or the reason for the exportation of the articles.

* * * * *

(d) If the district director is reasonably satisfied, because of the nature of the articles or production of other evidence, that the articles are imported in circumstances meeting the requirements of subheading 9801.00.10 or 9802.00.20, HTSUS, and related section and additional U.S. notes, he may waive the requirements for producing the documents specified in paragraph (a) of this section.

* * * * *

(f) In the case of photographic films and dry plates manufactured in the United States (except motion picture films to be used for commercial purposes) exposed abroad and entered under subheading 9802.00.20, HTSUS, the requirements of paragraphs (a) and (c) of this section are applicable except that the declaration by the foreign shipper provided for in paragraph (a)(1) to the effect that the articles "are returned without having been advanced in value or improved in condition by any process of manufacture or other means" shall be crossed out, and the entrant shall show on the declaration provided for in paragraph (a)(2) that the subject articles when exported were of U.S. manufacture and are returned after having been exposed, or exposed and developed, and, in the case of motion picture films, that they will not be used for commercial purposes.

* * * * *

(h) * * *

(2) The documentation described in paragraph (a) of this section shall not be required in connection with an entry for nonconsumable vessel stores and equipment on Customs Form 3311.

* * * * *

(i) When the total value of articles of claimed American origin contained in any shipment does not exceed $250 and such articles are found to be unquestionably products of the United States and do not appear to have been advanced in value or improved in condition while abroad and no quota is involved, free entry thereof may be made under subheading 9801.00.10 on Customs Form 3311, executed by the owner, importer, consignee, or agent and filed in duplicate, without regard to the requirement of filing the documentation provided for in paragraph (a) of this section, unless the Customs officer has reason to believe that Customs drawback or exemption from internal revenue tax, or both, were probably allowed on exportation of the articles or that they are otherwise subject to duty. * * *

(j) * * *

(2) After having been either rejected or returned by the foreign purchaser to the United States for credit, free entry thereof may be made under subheading 9801.00.10, HTSUS, on Customs Form 3311 (a Customs Form 7501 must be submitted as well for such articles as provided in § 143.23(h) of this chapter), executed by the owner, importer, consignee, or agent and filed in duplicate, without regard to the requirement of filing the documentation provided for in paragraph (a) of this section, unless the Customs officer has reason to believe that Customs drawback or exemption from internal revenue tax, or both, were probably allowed on exportation of the articles or that they are otherwise subject to duty.

* * *

3. Section 10.8 is revised to read as follows:

§ 10.8 Articles exported for repairs or alterations.

(a) Except as otherwise provided for in this section, the following documents shall be filed in connection with the entry of articles which are returned after having been exported for repairs or alterations and which are claimed to be subject to duty only on the value of the repairs or alterations performed abroad under subheading 9802.00.40 or 9802.00.50, Harmonized Tariff Schedule of the United States (HTSUS):

(1) A declaration from the person who performed such repairs or alterations, in substantially the following form:

I, ______________, ______________
declare that the articles herein specified are the articles which, in the condition in which they were exported from the United States, were received by me (us) on ______________, 19______________, from ______________ (name and address of owner or exporter in the United States); that they were received by me (us) for the sole purpose of being repaired or altered; that only the repairs or alterations described below were performed by me (us); that the full cost or (when no charge is made) value of such repairs or alterations are correctly stated below; and that no substitution whatever has been made to replace any of the articles originally received by me (us) from the owner or exporter thereof mentioned above.

Marks and numbers	Description of articles and of repairs or alterations	Full cost or (when no charge is made) value of repairs or alterations (see subchapter II, chapter 98, HTSUS)	Total value of articles after repairs or alterations

(Date)

(Address)

(Signature)

(Capacity)

(2) A declaration by the owner, importer, consignee, or agent having knowledge of the pertinent facts in substantially the following form:

I, __________, __________ declare that the (above) (attached) declaration by the person who performed the repairs or alterations abroad is true and correct to the best of my knowledge and belief; that the articles were not manufactured or produced in the United States under subheading 9813.00.05, HTSUS; that such articles were exported from the United States for repairs or alterations and without benefit of drawback from __________ (port) on __________, 19__________; and that the articles entered in their repaired or altered condition are the same articles that were exported on the above date and that are identified in the (above) (attached) declaration.

(Date)

(Address)

(Signature)

(Capacity)

(b) The district director may require such additional documentation as is deemed necessary to prove actual exportation of the articles from the United States for repairs or alterations, such as a foreign customs entry, foreign customs invoice, foreign landing certificate, bill of lading, or an airway bill.

(c) If the district director concerned is satisfied, because of the nature of the articles or production of other evidence, that the articles are imported under circumstances meeting the requirements of subheading 9802.00.40 or 9802.00.50, HTSUS, and related section and additional U.S. notes, he may waive submission of the declarations provided for in paragraph (a) of this section.

(d) The district director shall require at the time of entry a deposit of estimated duties based upon the full cost or value of the repairs or alterations. The cost or value of the repairs or alterations outside the United States, which is to be set forth in the invoice and entry papers as the basis for the assessment of duty under subheading 9802.00.40 or 9802.00.50, HTSUS, shall be limited to the cost or value of the repairs or alterations actually performed abroad, which will include all domestic and foreign articles furnished for the repairs or alterations but shall not include any of the expenses incurred in this country whether by way of engineering costs, preparation of plans or specifications, furnishing of tools or equipment for doing the repairs or alterations abroad, or otherwise.

4. Section 10.9 is revised to read as follows:

§ 10.9 Articles exported for processing.

(a) Except as otherwise provided for in this section, the following documents shall be filed in connection with the entry of articles which are returned after having been exported for further processing and which are claimed to be subject to duty only on the value of the processing performed abroad under subheading 9802.00.60, Harmonized Tariff Schedule of the United States (HTSUS):

(1) A declaration by the person who performed the processing abroad, in substantially the following form:

I, __________, __________ declare that the articles herein specified are the articles which, in the condition in which they were exported from the United States, were received by me (us) on __________, 19______, from __________ (name and address of owner or exporter in the United States); that they were received by me (us) for the sole purpose of being processed; that only the processing described below was effected by me (us); that the full cost or (when no charge is made) value of such processing and the value of the articles after processing are correctly stated below; and that no substitution whatever has been made to replace any of the articles originally received by me (us) from the owner or exporter thereof mentioned above.

Marks and numbers	Description of articles and of processing	Full cost or (when no charge is made) value of processing (see subchapter II, chapter 98, HTSUS)	Total value of articles after processing

(Date)

(Address)

(Signature)

(Capacity)

(2) A declaration by the owner, importer, consignee, or agent having knowledge of the pertinent facts in substantially the following form:

I, __________, declare that the (above) (attached) declaration by the person who performed the processing abroad is true and correct to the best of my knowledge and belief; that the articles were manufactured in the United States by __________ (name and address) or, if of foreign origin, were subjected to __________ (show processes of manufacture, such as molding, casting, machining) in the United States by __________ (name and address); that the articles were not manufactured or produced in the United States under subheading 9813.00.05, HTSUS; that the articles were exported for processing and without benefit of drawback from __________ (port) on __________, 19______; that the articles entered in their processed condition are otherwise the same articles that were exported on the above date and that are identified in the (above) (attached) declaration; and that the returned articles will be subjected to __________ (describe processing to be performed in the United States) by __________ (name and address of U.S. processor).

(Date)

(Address)

(Signature)

(Capacity)

(b) The district director may require such additional documentation as is deemed necessary to prove actual exportation of the articles from the United States for processing, such as a foreign customs entry, foreign customs invoice, foreign landing certificate, bill of lading, or an airway bill.

(c) If the district director concerned is satisfied, because of the nature of the articles or production of other evidence, that the articles are imported under circumstances meeting the requirements of subheading 9802.00.60, HTSUS, and related section and additional U.S. notes, he may waive submission of the declarations provided for in paragraph (a) of this section.

(d) The district director shall require at the time of entry a deposit of estimated duties based upon the full cost or value of the processing. The cost or value of the processing outside the United States, which is to be set forth in the invoice and entry papers as the basis for the assessment of duty under subheading 9802.00.60, HTSUS, shall be limited to the cost or value of the processing actually performed abroad, which will include all domestic and foreign articles used in the processing but shall not include the exported United States metal article or any of the expenses incurred in this country whether by way of engineering costs, preparation of plans or specifications, furnishing of tools or equipment for doing the processing abroad, or otherwise.

§ 10.172 [Amended]

5. Section 10.172 is amended by removing the last sentence.

6. The section heading and the text of section 10.173 are revised to read as follows:

§ 10.173 Evidence of country of origin.

(a) *Shipments covered by a formal entry.*

(1) *Merchandise not wholly the growth, product, or manufacture of a beneficiary developing country.*

(i) *Declaration.* In a case involving merchandise covered by a formal entry which is not wholly the growth, product, or manufacture of a single beneficiary developing country, the exporter of the merchandise or other appropriate party having knowledge of the relevant facts shall be prepared to submit directly to the district director, upon request, a declaration setting forth all pertinent detailed information concerning the production or manufacture of the merchandise. When requested by the district director, the declaration shall be prepared in substantially the following form:

GSP DECLARATION

I, ______________________

(name), hereby declare that the articles described below were produced or manufactured in ______________ (country) by means of processing operations performed in that country as set forth below and were also subjected to processing operations in the other country or countries which are members of the same association of countries as set forth below and incorporate materials produced in the country named above or in any other country or countries which are members of the same association of countries as set forth below:

Number and date of invoices	Description of articles and quantity	Processing operations performed on articles		Materials produced in a beneficiary developing country or members of the same association	
		Description of processing operations and country of processing	Direct costs of processing operations	Description of material, production process, and country of production	Cost or value of material

Date ______________________
Address ______________________
Signature ______________________
Title ______________________

(ii) *Retention of records and submission of declaration.* The information necessary for preparation of the declaration shall be retained in the files of the party responsible for its preparation and submission for a period of 5 years. In the event that the district director requests submission of the declaration during the 5-year period, it shall be submitted by the appropriate party directly to the district director within 60 days of the date of the request or such additional period as the district director may allow for good cause shown. Failure to submit the declaration in a timely fashion will result in a denial of duty-free treatment.

(2) *Merchandise wholly the growth, product, or manufacture of a beneficiary developing country.* In a case involving merchandise covered by a formal entry which is wholly the growth, product, or manufacture of a single beneficiary developing country, a statement to that effect shall be included on the commercial invoice provided to Customs.

(b) *Shipments covered by an informal entry.* Although the filing of the declaration provided for in paragraph (a)(1)(i) of this section will not be required for a shipment covered by an informal entry, the district director may require such other evidence of country of origin as deemed necessary.

(c) *Verification of documentation.* Any evidence of country of origin submitted under this section shall be subject to such verification as the district director deems necessary. In the event that the district director is prevented from obtaining the necessary verification, the district director may treat the entry as dutiable.

7. Section 10.175 is amended by removing paragraphs (c)(3) and (c)(4), redesignating paragraph (c)(5) as (c)(3), and revising paragraph (e)(1) to read as follows:

§ 10.175 Imported directly defined.

* * * * *

(e)(1) Shipment to the U.S. from a beneficiary developing country which is a member of an association of countries treated as one country under section 502(a)(3), Trade Act of 1974, as amended (19 U.S.C. 2462(a)(3)), through the territory of a former beneficiary developing country whose designation as a member of the same association for GSP purposes was terminated by the President pursuant to section 504, Trade Act of 1974, as amended (19 U.S.C. 2464), provided the articles in the shipment did not enter into the commerce of the former beneficiary developing country except for purposes of performing one or more of the operations specified in paragraph (c)(1) of this section and except for purposes of purchase or resale, other than at retail, for export.

* * * * *

§ 10.192 [Amended]

8. Section 10.192 is amended by removing the last sentence.

9. Section 10.198 is revised to read as follows:

§ 10.198 Evidence of country of origin.

(a) *Shipments covered by a formal entry.*

(1) *Articles not wholly the growth, product, or manufacture of a beneficiary country.*

(i) *Declaration.* In a case involving an article covered by a formal entry which is not wholly the growth, product, or manufacture of a single beneficiary country, the exporter or other appropriate party having knowledge of the relevant facts in the beneficiary country where the article was produced or last processed shall be prepared to submit directly to the district director, upon request, a declaration setting forth all pertinent detailed information concerning the production or manufacture of the article. When requested by the district director, the declaration shall be prepared in substantially the following form:

CBI Declaration

I, ________________________, (name), hereby declare that the articles described below (a) were produced or manufactured in _______________ (country) by means of processing operations performed in that country as set forth below and were also subjected to processing operations in the other beneficiary country or countries (including the Commonwealth of Puerto Rico and the U.S. Virgin Islands) as set forth below and (b) incorporate materials produced in the country named above or in any other beneficiary country or countries (including the Commonwealth of Puerto Rico and the U.S. Virgin Islands) or in the customs territory of the United States (other than the Commonwealth of Puerto Rico) as set forth below:

Number and date of invoices	Description of articles and quantity	Processing operations performed on articles		Material produced in a beneficiary country or in the U.S.	
		Description of processing operations and country of processing	Direct costs of processing operations	Description of material, production process, and country of production	Cost or value of material

Date ________________________
Address ______________________
Signature ______________________
Title ________________________

(ii) *Retention of records and submission of declaration.* The information necessary for preparation of the declaration shall be retained in the files of the party responsible for its preparation and submission for a period of 5 years. In the event that the district director requests submission of the declaration during the 5-year period, it shall be submitted by the appropriate party directly to the district director within 60 days of the date of the request or such additional period as the district director may allow for good cause shown. Failure to submit the declaration in a timely fashion will result in a denial of duty-free treatment.

(iii) *Value added after final exportation.* In a case in which value is added to an article in a bonded warehouse or in a foreign-trade zone in the Commonwealth of Puerto Rico or in the U.S. after final exportation of the article from a beneficiary country, in order to ensure compliance with the value requirement under § 10.195(a), the declaration provided for in paragraph (a)(1)(i) of this section shall be filed by the importer or consignee with the entry summary as evidence of the country of origin. The declaration shall be properly completed by the party responsible for the addition of such value.

(2) *Merchandise wholly the growth, product, or manufacture of a beneficiary country.* In a case involving merchandise covered by a formal entry which is wholly the growth, product, or manufacture of a single beneficiary country, a statement to that effect shall be included on the commercial invoice provided to Customs.

(b) *Shipments covered by an informal entry.* Although the filing of the declaration provided for in paragraph (a)(1)(i) of this section will not be required for a shipment covered by an informal entry, the district director may require such other evidence of country of origin as deemed necessary.

(c) *Verification of documentation.* Any evidence of country of origin submitted under this section shall be subject to such verification as the district director deems necessary. In the event that the district director is prevented from obtaining the necessary verification, the district director may treat the entry as dutiable.

PART 123—CUSTOMS RELATIONS WITH MEXICO AND CANADA

1. The authority citation for Part 123 continues to read in part as follows:

Authority: 19 U.S.C. 66, 1202 (General Note 17, Harmonized Tariff Schedule of the United States), 1431, 1433, 1624;

* * * * *

Section 123.4 also issued under 19 U.S.C. 1484, 1498;

* * * * *

§ 123.4 [Amended]

2. Section 123.4(c) is amended by removing the reference "§ 10.1(f)" and adding, in its place, the reference "§ 10.1(i)".

PART 145—MAIL IMPORTATIONS

1. The general authority citation for part 145 is revised, and the specific authority citation for §§ 145.35 through 145.38 and § 145.41 continues, to read as follows:

Authority: 19 U.S.C. 66, 1202 (General Note 17, Harmonized Tariff Schedule of the United States), 1624.

* * * * *

Sections 145.35 through 145.38, 145.41, also issued under 19 U.S.C. 1498;

* * * * *

§ 145.35 [Amended]

2. Section 145.35 is amended by removing the words "an importer's declaration on Customs Form 3311" and adding, in their place, the words "the declarations provided for in § 10.1(a) of this chapter".

PART 178—APPROVAL OF INFORMATION COLLECTION REQUIREMENTS

1. The authority citation for part 178 continues to read as follows:

Authority: 5 U.S.C. 301, 19 U.S.C. 1624, 44 U.S.C. 3501 *et seq.*

2. Section 178.2 is amended by revising the listings for §§ 10.1 and 10.173, removing the listings for §§ 10.8(e), 10.9(e), and 10.191–10.198 and adding, in their place respectively, listings for §§ 10.8, 10.9, and 10.198 to read as follows:

§ 178.2 Listing of OMB control numbers.

19 CFR section	Description	OMB control No.
* * *	* * *	*
§ 10.1	Declarations covering U.S. articles exported and returned without having been advanced in value or improved in condition.	1515–0194
§ 10.8	Declarations covering articles exported for repairs or alterations and returned	1515–0194
* * *	* * *	*
§ 10.9	Declarations covering metal articles exported for processing and returned for further processing	1515–0194
* * *	* * *	*
§ 10.173	Claim for duty-free entry of eligible articles under the Generalized System of Preferences	1515–0194
§ 10.198	Claim for duty-free entry of eligible articles under the Caribbean Basin Initiative	1515–0194
* * *	* * *	*

Approved: April 28, 1994.

Samuel H. Banks,

Acting Commissioner of Customs.

[FR Doc. 94–11856 Filed 5–16–94; 8:45 am]

BILLING CODE 4820–02–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[DE15–1–6432; FRL–4885–5]

Approval and Promulgation of Air Quality Implementation Plans; Delaware—Small Business Stationary Source Technical and Environmental Compliance Assistance Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Delaware for the purpose of establishing the Delaware Small Business Stationary Source Technical and Environmental Compliance Assistance Program (SBTCP). The intended effect of this action is to approve of a program which ensures that small businesses have access to the technical assistance and regulatory information necessary to comply with the CAA. This action is being taken under section 110 of the Clean Air Act.

EFFECTIVE DATE: This rule will become effective on June 16, 1994.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; and Delaware Department of Natural Resources & Environmental Control, 89 Kings Highway, P.O. Box 1401, Dover, Delaware 19903.

FOR FURTHER INFORMATION CONTACT: Lisa M. Donahue, Environmental Scientist, (215) 597–9781.

SUPPLEMENTARY INFORMATION: On January 12, 1994 (59 FR 1693), EPA published a Notice of Proposed Rulemaking (NPR) for the State of Delaware. The NPR proposed approval of the Delaware Small Business Stationary Source Technical and Environmental Compliance Assistance Program. The formal SIP revision was submitted by Delaware on January 11, 1993.

In order to gain full approval, the state program must provide for each of the following elements: (1) The establishment of a Small Business Assistance Program (SBAP) to provide technical and compliance assistance to small businesses; (2) the establishment of a Small Business Ombudsman to represent the interests of small businesses in the regulatory process; and (3) the creation of a Compliance Advisory Panel to determine and report on the overall effectiveness of the SBAP.

Delaware Department of Natural Resources and Environmental Control is authorized to create and administer the SBTCP, and create the Small Business Ombudsman. Through an executive order, the Governor of the State of Delaware will establish the Compliance Advisory Panel.

Other specific requirements of the Small Business Stationary Source Technical and Environmental Compliance Assistance Program and the rationale for EPA's proposed action are explained in the NPR and will not be restated here. No public comments were received on the NPR.

Final Action

EPA is approving the Delaware Small Business Stationary Source Technical and Environmental Compliance Assistance Program as a revision to the Delaware SIP.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225), as revised by an October 4, 1993 memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation. A future notice will inform the general public of these tables. On January 6, 1989, the Office of Management and Budget (OMB) waived Table 2 and Table 3 SIP revisions (54 FR 2222) from the requirements of Section 3 of Executive Order 12291 for a period of two years. The U.S. EPA has