

are valid OMB control numbers, and that no other OMB numbers are needed, in light of the boilerplate language contained in the General Information sections of the Appendices. Specifically, the language states that "You [referring to the respondent] shall not be penalized for failure to respond to this collection of information unless the collection of information displays a valid OMB control number."⁷ The Registry is concerned that if another number is needed, but not provided, then pipelines will not be required to comply with the new requirements.

Collections of information by federal government agencies are subject to the recently enacted Paperwork Reduction Act of 1995.⁸ The Paperwork Reduction Act of 1995 revises the Paperwork Reduction Act of 1980.⁹ The original act required that a data collection form display a valid OMB control number. In addition to this requirement, the new act requires that the OMB control number be displayed on the front page of the form.¹⁰ Further, under the new rules, where the collection is accomplished through electronic formats, the control number must be placed near the title.¹¹ In compliance with these directives, the Index of Customers instructions and discount rate report instructions display a valid OMB control number on the front page immediately below the title. The OMB control number displayed below the title is valid, and is displayed according to applicable law. Further, no other OMB numbers are needed.

Third, the Registry suggests that in the Index of Customers instructions, "General Information," more detailed language be used in the "Purpose" section. Specifically, the Registry proposes that the sentence, "[t]he instructions herein will provide the format for the electronic dissemination of the data on the respondent's EBB, * * *" be clarified to indicate that the dissemination of the data is by means of a downloadable file in the tab-delimited format, through the respondent's EBB.

The "Purpose" section of the Index of Customers instructions reads in its entirety:

⁷ *Instruction Manual for Electronic Filing of the Index of Customers* at 3, and *Instruction Manual for Electronic Filing of the Discount Transportation Rate Report* at 3.

⁸ Paperwork Reduction Act of 1995, 44 U.S.C. §§ 3501-3520; to be codified at 5 CFR Part 1320.

⁹ Paperwork Reduction Act of 1980, Pub. L. 96-511, 94 Stat. 2826, amended 1986, formerly codified at 44 U.S.C. Chapter 35. These former regulations are contained in the 1995 and earlier versions of 5 CFR Part 1320.

¹⁰ To be codified at 5 CFR 1320.3(f)(1).

¹¹ To be codified at 5 CFR 1320.3(f)(2).

This data submission is required under 18 CFR § 284.106(c) and § 284.223(b), which state that each calendar quarter an interstate pipeline must file with the Commission an index of all of its firm transportation and storage customers under contract as of the first day of the calendar quarter. The pipeline must also post an electronic format of this information on its electronic bulletin board (EBB). The instructions herein will provide the format for the electronic dissemination of the data on the respondent's EBB, as well as the electronic file submitted to the Commission.¹²

The "Purpose" section states explicitly that the Index of Customers instructions apply to the file to be posted on the pipeline's EBB. Since the body of the instructions make very clear that a tab-delimited file format is to be used, there is no reason to add to the "Purpose" section the reference to the tab format that the Registry seeks.

However, there is nothing in the purpose section or the body of instructions that indicates that the file is to be downloadable, as required by the regulations referenced in the "Purpose" section, sections 284.106(c) and 284.223(b). To be aware of this fact, the reader would have to refer to the regulations themselves. To ensure that there is no confusion, the "Purpose" section should be clarified to include the fact that the file must be downloadable from the pipeline's EBB. Therefore, the last sentence of the "Purpose" section will be changed to read: "The instructions herein will provide the format for the electronic dissemination of the data on the respondent's EBB in a downloadable file, as well as for the electronic file submitted to the Commission."

Finally, because the Index of Customers instructions and discount rate report instructions, which are Appendices A and B, respectively, to the order, each have three subappendices that are also entitled "Appendices" A, B, and C, the Registry suggests that the subappendices be retitled to something other than "appendices" to prevent confusion. While the subappendices to the instruction manuals have titles that are the same as the titles of the appendices to the order, we do not anticipate that confusion will arise. The instruction manuals are disseminated through the Commission's public reference division, or from the bulletin board, as stand-alone documents. In other words, they will no longer be entitled, "Appendix A" and "Appendix B." Thus, the only appendices associated with these electronic filing specifications will be

¹² *Instruction Manual for Electronic Filing of the Index of Customers* at 2.

Appendices A, B, and C of each instruction manual.

In addition to the above matters raised by the Registry, the Commission's staff has identified other minor matters in the Index of Customers instructions and discount rate report instructions that require clarification and/or modifications. These additional changes, and the changes discussed in this order, will be incorporated in a revised Index of Customers instruction manual and discount rate report instruction manual to be issued in the near future by the staff.¹³

By the Commission.

Linwood A. Watson, Jr.,

Acting Secretary.

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DEPARTMENT OF THE TREASURY

Customs Service

19 CFR PART 10

[T.D. 96-35]

RIN 1515-AB93

Suspension of United States-Canada Free-Trade Agreement Implementing Regulations

AGENCY: Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations implementing the duty preference provisions of the United States-Canada Free-Trade Agreement (CFTA) to reflect that operation of the CFTA was suspended, by agreement of the Governments of the United States and Canada, as a result of the entry into force of the North American Free Trade Agreement (NAFTA) on January 1, 1994. The CFTA implementing regulations in question remain in effect only with regard to merchandise imported from Canada that was entered or withdrawn from warehouse for consumption prior to the entry into force of the NAFTA.

EFFECTIVE DATE: May 3, 1996.

FOR FURTHER INFORMATION CONTACT: Myles Harmon, Office of Regulations and Rulings (202-482-7000).

SUPPLEMENTARY INFORMATION:

Background

On January 2, 1988, the United States and Canada entered into the United

¹³ See 75 FERC ¶ 61,009 (1996), where the Commission authorized staff to issue further electronic and paper filing specifications related to the forms modified by Order Nos. 581 and 582.

States-Canada Free-Trade Agreement (CFTA), the objectives of which included the elimination of Customs duties and other barriers to trade in goods and services between the two countries. The provisions of the CFTA were adopted by the United States with the enactment of the United States-Canada Free-Trade Agreement Implementation Act of 1988, Pub. L. 100-449, 102 Stat. 1851, and the CFTA went into effect on January 1, 1989. Regulations setting forth the basic legal and procedural requirements for obtaining preferential duty treatment on imported merchandise under the CFTA are contained in §§ 10.301 through 10.311 of the Customs Regulations (19 CFR 10.301 through 10.311).

On December 17, 1992, the United States, Canada and Mexico entered into the North American Free Trade Agreement (NAFTA). As in the case of the CFTA, the stated objectives of the NAFTA include the elimination of barriers to trade in goods and services between the territories of the three countries. The provisions of the NAFTA were adopted by the United States with the enactment of the North American Free Trade Agreement Implementation Act, Pub. L. 103-182, 107 Stat. 2057, and the NAFTA went into effect on January 1, 1994. Interim regulations implementing the Customs-related provisions of the NAFTA were published in the Federal Register as T.D. 94-1 on December 30, 1993 (58 FR 69460), and final NAFTA implementing regulations were published as T.D. 95-68 on September 6, 1995 (60 FR 46334); the majority of those NAFTA regulations are set forth in part 181 of the Customs Regulations (19 CFR part 181).

In view of the similarity between the objectives of the CFTA and those of the NAFTA, the United States and Canada recognized that, in principle, there would be no need to continue the operation of the CFTA upon accession to, and entry into force of, the NAFTA. Accordingly, by an exchange of letters dated December 30, 1993, the Governments of the United States and Canada formally agreed, subject to certain transitional arrangements not involving preferential duty treatment, to suspend the operation of the CFTA upon the entry into force of the NAFTA, with the suspension to remain in effect for such time as the two Governments are Parties to the NAFTA.

Customs believes that the present CFTA implementing regulations are unclear as regards their applicability because they do not reflect the fact that the operation of the CFTA has been suspended as a result of the entry into

force of the NAFTA. On the other hand, Customs notes that those regulations must be retained because they continue to have application to Customs transactions involving merchandise imported from Canada that was entered or withdrawn from warehouse for consumption during the period in which the CFTA was in effect (that is, from January 1, 1989, through December 31, 1993).

In order to address the considerations mentioned above, this document revises § 10.301 (Scope) to include references both to the suspension of the CFTA and to the circumstances in which the CFTA regulations continue to have application.

Inapplicability of Public Notice and Comment Procedures and Delayed Effective Date Requirements

Pursuant to the provisions of 5 U.S.C. 553(a), public notice and comment procedures are inapplicable to this final rule because it is within the foreign affairs function of the United States. In addition, for the above reason and because this regulatory amendment involves no substantive change but rather merely conforms the regulations to present law, it is determined that good cause exists under the provisions of 5 U.S.C. 553(d)(3) for dispensing with a 30-day delayed effective date.

Executive Order 12866

Because this document involves a foreign affairs function it is not subject to the provisions of E.O. 12866.

Regulatory Flexibility Act

Since the amendment is not subject to the notice and public procedure requirements of 5 U.S.C. 553, it is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

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 10

Alterations, Bonds, Customs duties and inspection, Exports, Imports, Preference programs, Repairs, Reporting and recordkeeping requirements, Trade agreements.

Amendment to the Regulations

For the reasons set out in the preamble, part 10 of the Customs Regulations (19 CFR part 10) is amended as set forth below.

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

1. The authority citation for part 10 continues to read in part as follows:

Authority: 19 U.S.C. 66, 1202 (General Note 20, Harmonized Tariff Schedule of the United States), 1321, 1481, 1484, 1498, 1508, 1623, 1624, 3314;

* * * * *

2. Section 10.301 is revised to read as follows:

§ 10.301 Scope and applicability.

The provisions of §§ 10.302 through 10.311 of this part relate to the procedures for obtaining duty preferences on imported goods under the United States-Canada Free-Trade Agreement (the Agreement) entered into on January 2, 1988, and the United States-Canada Free-Trade Agreement Implementation Act of 1988 (102 Stat. 1851). The United States and Canada agreed to suspend operation of the Agreement with effect from January 1, 1994, to coincide with the entry into force of the North American Free Trade Agreement (see part 181 of this chapter) and, accordingly, the provisions of §§ 10.302 through 10.311 of this part apply only to goods imported from Canada that were entered for consumption, or withdrawn from warehouse for consumption, during the period January 1, 1989, through December 31, 1993. In situations involving goods subject to bilateral restrictions or prohibitions, or country of origin marking, other criteria for determining origin may be applicable pursuant to Article 407 of the Agreement.

Michael H. Lane,

Acting Commissioner of Customs.

Approved: March 29, 1996.

John P. Simpson,

Deputy Assistant Secretary of the Treasury.

[FR Doc. 96-11007 Filed 5-02-96; 8:45 am]

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19 CFR Part 103

[T.D. 96-36]

RIN 1515-AB58

Disclosure or Production of Customs Information Pursuant to Legal Process

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations by adopting final rules that clarify the procedures to be followed when subpoenas or other demands of courts and other authorities,