

V-477 [Corrected]

From Humble, TX, via INT Humble 349° and Leona, TX, 139° radials; to Cedar Creek, TX.

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Issued in Washington, DC, on August 5, 1996.

Jeff Griffith,

Program Director for Air Traffic Airspace Management.

[FR Doc. 96-20510 Filed 8-9-96; 8:45 am]

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DEPARTMENT OF THE TREASURY**Customs Service****19 CFR Parts 10, 12, 102 and 134**

[T.D. 96-48]

RIN 1515-AB34

Rules for Determining the Country of Origin of a Good for Purposes of Annex 311 of the North American Free Trade Agreement; Corrections

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

ACTION: Final rule; corrections.

SUMMARY: This document makes corrections to the document published in the Federal Register which set forth final amendments to the Customs Regulations regarding the rules for determining when the country of origin of a good is one of the parties to the North American Free Trade Agreement (NAFTA) as required by Annex 311 of the NAFTA.

EFFECTIVE DATE: These corrections are effective August 5, 1996.

FOR FURTHER INFORMATION CONTACT: Sandra L. Gethers, Office of Regulations and Rulings (202-482-6980).

SUPPLEMENTARY INFORMATION:**Background**

On June 6, 1996, Customs published in the Federal Register (61 FR 28932) as T.D. 96-48 a document which adopted as a final rule, with some modifications, interim amendments to the Customs Regulations that established the rules for determining when the country of origin of a good is one of the parties to the North American Free Trade Agreement (NAFTA) as required by Annex 311 of the NAFTA. Those final NAFTA Marking Rules apply only to all goods imported from Canada or Mexico other than textile and apparel products, and do not apply to trade with other countries. The June 6, 1996, notice provided for an August 5, 1996, effective date for the final regulations. A

document correcting several errors in T.D. 96-48 was published in the Federal Register on July 1, 1996 (61 FR 33845).

This document corrects two additional errors published in T.D. 96-48.

One error involved the Discussion of Comments portion of the document under **SUPPLEMENTARY INFORMATION**. Specifically, the public comment discussion regarding the § 102.20 tariff shift rule for subheadings 8482.10-8482.80 (bearings) dealt with only one comment, which was opposed to the proposed tariff shift rule. However, that comment discussion failed to reflect that another comment, which was in favor of the proposed rule, was also received by Customs. This document corrects the comment discussion to more accurately reflect the totality of public comments received on this matter.

The second error involved the table under § 102.20 of the final regulatory texts. Specifically, the entry for HTSUS 8540.71-8540.99 reflected a typographical error in that the reference "8540.99" should have read "8540.89" in the "HTSUS" column and in the corresponding "Tariff shift and/or other requirements" column. This document sets forth the HTSUS entry in its entirety to correct this typographical error.

Corrections of Publication

Accordingly, the document published in the Federal Register as T.D. 96-48 on June 6, 1996 (61 FR 28932) is corrected as set forth below.

Correction to the Discussion of Comments Section

On page 28949, in the third column, the paragraphs under the heading *Subheadings 8482.10-8482.80 (Bearings)* are corrected to read as follows:

Comments: The § 102.20 rule set forth in the May 5, 1995, notice of proposed rulemaking for subheadings 8482.10 through 8482.80 provides as follows:

A change to subheading 8482.10 through 8482.80 from any other heading; or

A change to subheading 8482.10 through 8482.80 from any other subheading, including another subheading within that group, except from inner or outer races or rings of subheading 8482.99.

Two comments were received on the proposed rule. The first commenter claimed that the processes of grinding, polishing and heat treating of rings and races should confer origin. The second commenter strongly supported the

Customs proposal and provided arguments supporting its position that unfinished races or rings, which have the essential characteristics of the finished components, should determine the country of origin of the bearings, whether or not additional heat treatment or other finishing operations are performed on the races or rings.

Customs response: Customs agrees with the second commenter. It remains the position of Customs that the operations described by the first commenter are merely finishing operations which do not confer origin. None of these operations changes the essential character of the article which is processed. The name, character and use of the article remain the same after these operations are performed. See *National Hand Tool Corp. v. United States, supra*, wherein the court held that operations such as grinding, polishing and heat treating are merely finishing operations which do not constitute a substantial transformation. Therefore, the revision of the § 102.20 rule for these goods should be adopted as proposed.

Correction to the Final Regulations

At the bottom of page 28975, the entry for HTSUS 8540.71-8540.99 is corrected to read as follows:

8540.71-8540.89—A change to subheading 8540.71 through 8540.89 from any other subheading, including another subheading within that group.

Dated: August 6, 1996.

Stuart P. Seidel,

Assistant Commissioner, Office of Regulations and Rulings.

[FR Doc. 96-20398 Filed 8-9-96; 8:45 am]

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DEPARTMENT OF STATE**22 CFR Part 126**

[Public Notice 2422]

**Bureau of Political-Military Affairs;
Amendment to the List of Proscribed
Destinations**

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: The Department of State is amending the International Traffic in Arms Regulations (ITAR) to reflect that it is no longer the policy of the United States to deny licenses, other approvals, exports and imports of defense articles and defense services, destined for or originating in Ukraine. All requests for approval involving items covered by the

U.S. Munitions List will be reviewed on a case-by-case basis.

EFFECTIVE DATE: August 2, 1996.

FOR FURTHER INFORMATION CONTACT:

Gordon J. Stirling, Office of Arms Transfer and Export Control Policy, Bureau of Political-Military Affairs, Department of State (202/647-0397).

SUPPLEMENTARY INFORMATION: In connection with the President's policy that U.S. laws and regulations be updated to reflect the end of the Cold War, the Department of State is amending the ITAR to reflect that it is no longer the policy of the United States, pursuant to 22 CFR § 126.1, to deny licenses, other approvals, exports and imports of defense articles and defense services, destined for or originating in Ukraine. Requests for licenses or other approvals for Ukraine involving items covered by the U.S. Munitions List (22 CFR part 121) will no longer be presumed to be disapproved.

This amendment to the ITAR involves a foreign affairs function of the United States and thus is excluded from the major rule procedures of Executive Order 12291 (46 FR 13193) and the procedures of 5 U.S.C. 553 and 554. This final rule does not contain a new or amended information requirement subject to the Paperwork Reduction Act (44 U.S.C. 3501, *et seq.*).

List of Subjects in 22 CFR Part 126

Arms and Munitions, Exports.

Accordingly, under the authority of section 38 of the Arms Export Control Act (22 U.S.C. 2778) and Executive Order 11958, as amended, 22 CFR subchapter M is amended as follows:

1. The authority citation for part 126 continues to read as follows:

Authority: Secs. 2, 38, 40, 42, and 71, Arms Export Control Act, Pub. L. 90-629, 90 Stat. 744 (22 U.S.C. 2752, 2778, 2780, 2791, and 2797); E.O. 11958, 41 FR 4311; E.O. 11322, 32 FR 119; 22 U.S.C. 2658; 22 U.S.C. 287c; E.O. 12918, 59 FR 28206.

§ 126.1 [Amended]

2. Section 126.1 is amended by removing "Ukraine" from paragraph (a).

Dated: July 26, 1996.

Lynn E. Davis,

Under Secretary of State for Arms Control and International Security Affairs.

[FR Doc. 96-20498 Filed 8-9-96; 8:45 am]

BILLING CODE 4710-25-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1926

Incorporation of General Industry Health and Safety Standards Applicable to Construction Work

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Final Rule; correcting amendment.

SUMMARY: This document corrects errors in the Incorporation of General Industry Health and Safety Standards Applicable to Construction Work that was published on June 30, 1993 (58 FR 35076). OSHA is deleting the regulatory text which incorporated from §§ 1910.333 and 1910.334 (subpart S—Electrical) into paragraphs (a)(4), (f), and (g) of 1926.416 and paragraph (d) of 1926.417 (subpart K—Electrical), because the Agency clearly stated in the preamble to the final rule for Electrical Safety-Related Work Practices that the provisions in question did not apply to construction employment.

EFFECTIVE DATE: August 12, 1996.

FOR FURTHER INFORMATION CONTACT: Ms. Anne C. Cyr, Acting Director, Office of Information, Division of Consumer Affairs, Room N-3647, Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, Telephone: (202) 219-8151.

SUPPLEMENTARY INFORMATION: This document contains corrections to the Incorporation of General Industry Health and Safety Standards Applicable to Construction Work which was published on June 30, 1993 (58 FR 35076). OSHA is deleting the regulatory text incorporated from §§ 1910.333 and 1910.334 into §§ 1926.416 (paragraphs (a)(4), (f), and (g)) and 1926.417 (paragraph (d)), because the Agency clearly stated in the preamble to the final rule on Electrical Safety-Related Work Practices (55 FR 31984, August 6, 1990) that the provisions in question did not apply to construction employment. Any application of §§ 1910.333-334 to construction work would require further rulemaking.

The Background section of the General Industry final rule (55 FR at 31986) stated as follows:

The Agency is limiting this rulemaking to the prevention of accidents in general industry and maritime (which has even fewer electrical safety requirements than general industry) because to include other industrial sectors (such as construction) would seriously impede the rulemaking process.

Inclusion of other industries in the scope of the standard would require the Agency to consider many diverse situations that are likely to be germane only to these industries. The construction industry, for example, is an extensive user of temporary wiring, which is frequently moved and is often used under a wide range of safety-related work practices recommended for use.

Also, the Regulatory Impact Analysis stated (55 FR at 32011) "The standard will apply to every major standard industrial code (SIC) with the exception of Agriculture, Construction and parts of Mining, Transportation, Communication and Public Utilities."

Exemption From Delayed Effective Date Requirement

Under 5 U.S.C. 553(d)(3), OSHA finds that there is good cause for making this document effective upon publication in the Federal Register. This notice simply deletes improperly incorporated requirements from the text of 29 CFR 1926 subpart K and, accordingly, does not increase the existing regulatory burden.

Authority: This document was prepared under the direction of Joseph A. Dear, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

List of Subjects in 29 CFR Part 1926

Construction industry, Occupational safety and health.

Signed at Washington, D.C., this 5th day of August, 1996.

Joseph A. Dear,

Assistant Secretary of Labor.

Accordingly, pursuant to sections 6 and 8 of the Occupational Safety and Health Act (29 U.S.C. 655 and 657), section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333), 5 U.S.C. 553, Secretary of Labor's Order No. 1-90 (55 FR 9033), and 29 CFR part 1911, subpart K of 29 CFR part 1926 is amended as set forth below:

PART 1926—[AMENDED]

Subpart K— Electrical

1. The authority citation for subpart K of part 1926 continues to read as follows:

Authority: Secs. 6, and 8, Occupational Safety and Health Act (29 U.S.C. 655 and 657); sec. 107, Contract Work Hours and Safety Standards Act (40 U.S.C. 333); Secretary of Labor's Order No. 9-83 (48 FR 35736) or 1-90 (55 FR 9033), as applicable; 29 CFR part 1911.

§ 1926.416 [Corrected]

2. Paragraphs (a)(4), (f) and (g) of § 1926.416 are removed.