

designations listed in this document will be published subsequently in that Order.

### The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR), part 71, by establishing Class D airspace extending upward from the surface to and including 3,300 feet Mean Sea Level (MSL) within a 5-mile radius of Sherman/Denison, Grayson County Airport.

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. Therefore, this regulation: (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, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes controlled airspace at Sherman/Denison, Grayson County Airport, Sherman, TX.

### 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—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 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, part 71.1 of the Federal Aviation Administration Order 7400.9R, Airspace Designations and Reporting Points, signed August 15, 2007, and effective September 15, 2007, is amended as follows:

*Paragraph 5000 Class D Airspace.*

\* \* \* \* \*

### ASW TX D Sherman, TX [New]

Sherman/Denison, Grayson County Airport, TX

(Lat. 33°42'51" N., long. 96°40'25" W.)

\* \* \* \* \*

That airspace extending upward from the surface to and including 3,300 feet MSL within a 5.0-mile radius of Grayson County Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

\* \* \* \* \*

Issued in Fort Worth, Texas, on: April 4, 2008.

**Walter Tweedy,**

*Acting Manager, System Support Group, ATO Central Service Center.*

[FR Doc. E8–8055 Filed 4–16–08; 8:45 am]

**BILLING CODE 4910–13–M**

## SECURITIES AND EXCHANGE COMMISSION

### 17 CFR Parts 240 and 249

[Release 34–57526A; File No. S7–06–07]

**RIN 3235–AJ80**

### Proposed Rule Changes of Self-Regulatory Organizations

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Final rule; Correction.

**SUMMARY:** The Securities and Exchange Commission ("Commission") published in the **Federal Register** of March 27, 2008 (72 FR 16179), a document concerning proposed rule changes by Self-Regulatory Organizations submitted pursuant to Section 19(b)(7)(A) of the Securities Exchange Act of 1934.

**DATES:** *Effective Date:* April 28, 2008.

**FOR FURTHER INFORMATION CONTACT:** John Roeser, Assistant Director, at (202) 551–5630, Michou Nguyen, Special Counsel, at (202) 551–5634, or Sherry Moore, Paralegal, at (202) 551–5549, Division of Trading and Markets, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–6628.

**SUPPLEMENTARY INFORMATION:** This document corrects the comment due date that was incorrectly stated in the sample 19(b)(7)(A) release published with the final rule.

In rule document E8–5998 beginning on page 16179 in the issue of Thursday, March 27, 2008, make the following correction:

On page 16196, in the third column, the phrase "should be submitted on or before April 17, 2008." is corrected to read "should be submitted on or before May 8, 2008."

Dated: April 14, 2008.

**Nancy M. Morris,**  
*Secretary.*

[FR Doc. E8–8267 Filed 4–16–08; 8:45 am]

**BILLING CODE 8010–01–P**

## DEPARTMENT OF HOMELAND SECURITY

### U.S. Customs and Border Protection

### DEPARTMENT OF THE TREASURY

### 19 CFR Parts 12, 113 and 163

[CBP Dec. 08–10; USCBP–2006–0108]

**RIN 1505–AB73**

### Entry of Softwood Lumber Products From Canada

**AGENCIES:** U.S. Customs and Border Protection, Department of Homeland Security; Department of the Treasury.

**ACTION:** Final rule.

**SUMMARY:** This document adopts as a final rule, with changes, the interim rule amending title 19 of the Code of Federal Regulations (19 CFR) that was published in the **Federal Register** (71 FR 61399) on October 18, 2006 as Customs and Border Protection (CBP) Dec. 06–25. The interim rule amended the CBP regulations by prescribing the collection of certain entry summary information for purposes of monitoring and enforcing the Softwood Lumber Agreement (SLA 2006) between the Governments of Canada and the United States, entered into on September 12, 2006. In an effort to better enable CBP to accurately and timely fulfill its data collection and reporting obligations

under the SLA 2006, this document identifies an additional entry code option that designates softwood lumber products that are specifically identified as exempt from SLA 2006 export measures pursuant to Annex 1A of the Agreement, notwithstanding the fact that the exempt goods are classifiable in residual Harmonized Tariff Schedule of the United States provisions that are listed as covered by the SLA 2006. This document also amends the list of required entry records set forth in the Appendix to part 163 of title 19 of the Code of Federal Regulations (19 CFR part 163) to reflect the recordkeeping requirements prescribed in CBP Dec. 06–25. Lastly, this document conforms the bond provisions applicable to certain imports of Canadian softwood lumber to reflect the softwood lumber provisions set forth in § 12.140 of title 19 of the Code of Federal Regulations.

**DATES:** *Effective Date:* April 17, 2008.

**FOR FURTHER INFORMATION CONTACT:** Millie Gleason, Office of International Trade, Tel: (202) 863–6557.

**SUPPLEMENTARY INFORMATION:**

**Background**

On September 12, 2006, the Governments of the United States and Canada (the “Parties”) signed a bilateral Softwood Lumber Agreement (“SLA 2006”) concerning trade in softwood lumber products.

On October 18, 2006, Customs and Border Protection (CBP) published in the **Federal Register** (71 FR 61399), as CBP Dec. 06–25, an interim rule amending § 12.140 of title 19 of the Code of Federal Regulations (19 CFR 12.140) to reflect the terms of the SLA 2006 by prescribing special entry requirements applicable to shipments of softwood lumber products from Canada. The interim amendments required importers to enter a letter code representing the softwood lumber product’s Canadian Region of Origin in the data entry field entitled “Country of Origin” located on the CBP Form 7501. Importers were also required to enter a Canadian-issued 8-digit export permit number preceded by a letter code designating either: (1) The date of shipment; (2) a Canadian Region whose exports of softwood lumber products are exempt from the export measures contained in the SLA 2006; or (3) a company listed in Annex 10 of the SLA 2006 as exempt from the Agreement’s export measures. Importers of softwood lumber products from the Maritimes were required to provide CBP with the original paper Certificate of Origin issued by the Maritime Lumber Bureau with the paper entry summary

documentation. CBP Dec. 06–25 also amended, on an interim basis, the “List of Records Required for the Entry of Merchandise” set forth in the Appendix to part 163 of title 19 of the CFR (19 CFR part 163) to reflect the entry document requirements mandated by the SLA 2006.

Comments were solicited on the interim rule.

**Discussion of Comments**

Three comments were received in response to the solicitation of comments in CBP Dec. 06–25. One comment was retracted by the commenter. A description of the comments received, together with CBP’s analyses, is set forth below.

*Comment:* One commenter offered support for the requirement set forth in CBP Dec. 06–25 that an original Certificate of Origin from the Maritime Lumber Bureau must accompany each entry of softwood lumber into the United States and requested that this requirement be retained in the final rule.

*CBP Response:* This entry requirement is retained in the final rule.

*Comment:* One commenter suggested that CBP adopt two additional data-input requirements for imports of Canadian softwood lumber products. The commenter recommended that CBP require importers to disclose the “Export Price” of the merchandise within the meaning of Article XXI.25 of the SLA 2006. As defined in the agreement, the Export Price is the taxable value for purposes of calculating SLA 2006 export fees that Canada is obligated to collect. The commenter also suggests that CBP require importers of all Canadian softwood lumber products to declare the merchandise’s “Date of Shipment” within the meaning of Article XXI.16 of the SLA 2006. The commenter asserts that this date is important because, depending on volumes shipped during specific periods (as determined by Date of Shipment), shipments from the Maritimes, the Territories, or by companies listed as excluded from export measures in the SLA 2006, can be subject to export measures notwithstanding normally applicable exemptions. The commenter notes that, under the terms of the interim rule, CBP is collecting Date of Shipment data regarding imports of most Canadian softwood lumber, but not on lumber produced in the Maritime Provinces, the Territories, or by excluded Canadian lumber producers.

*CBP Response:* Pursuant to Article XV.B of the SLA 2006, the U.S. is obligated to provide Canada with the

appraised value, as defined by CBP, for each entry of softwood lumber products filed during the preceding month. The U.S. does not collect export prices; exporters of softwood lumber to the U.S. provide that data to Canada.

The commenter correctly notes that CBP collects Date of Shipment data for all imports of softwood lumber covered by the SLA 2006, except for entries of softwood lumber that claim an exemption from the Agreement’s export measures. Although CBP does not require Date of Shipment data for imports claiming exemption from SLA 2006 export measures, CBP collects the export date for these imports and uses that date to assess the Date of Shipment and, consequently, whether an exempt status remains valid for a given month.

*Other Comments:* Additional comments were received after the close of the comment period proposing unilateral enforcement of the Softwood Lumber Agreement and the collection of additional information in order to determine if the correct amount of tax is actually collected by Canadian authorities.

*CBP Response:* Such proposals exceed the scope of CBP authority and the requirements of the Softwood Lumber Agreement and consequently are not adopted in this document.

**Conclusion**

After review of the comments and further consideration, CBP has decided to adopt as final the interim rule published in the **Federal Register** (71 FR 61399) on October 18, 2006, as CBP Dec. 06–25, with the additional modifications set forth below.

As noted above, CBP Dec. 06–25 identifies a series of letter codes that are to be used as prefixes for the export permit numbers entered on the CBP Form 7501. These codes designate either an exclusion from export measures based on a product’s Region of Origin, or a company’s exempt-status, or the date of shipment as defined in Article XXI.16 of the SLA 2006. These codes enable the United States to fulfill its information collection and exchange obligations under Article XV of the Agreement by being able to assess monthly volumes attributable to specific Regions and excluded companies. This document clarifies CBP Dec. 06–25 by providing importers with an additional entry code option, “P8888888”, which is used to designate entries of softwood lumber products that are specifically identified as exempt from SLA 2006 export measures pursuant to Annex 1A of the Agreement, notwithstanding the fact that the exempt goods are classifiable in residual Harmonized

Tariff Schedule of the United States provisions that are otherwise listed as covered by the SLA 2006.

In addition, § 12.140(b) and (c) are amended to clarify that all entries of softwood lumber products must be submitted to CBP in an electronic format, except for entries of softwood lumber products whose region of origin is the Maritimes, which must be submitted to CBP in paper.

The "List of Records Required for the Entry of Merchandise" set forth in the Appendix to part 163 of title 19 of the CFR (19 CFR part 163) is also amended by this document to clarify that, in addition to the Certificate of Origin issued by Canada's Maritime Lumber Bureau, the Canadian-issued Export Permit is a required entry document as per the SLA 2006 and 19 CFR 12.140(d).

Lastly, this document conforms the bond provisions applicable to certain imports of Canadian softwood lumber, set forth in 19 CFR 113.62(k), to reflect the new organizational structure of the softwood lumber provisions set forth in 19 CFR 12.140. To that end, § 113.62(k) is amended by removing the reference to paragraph (a) within § 12.140, and the existing time period of 20 days within which a principal must establish to the satisfaction of CBP that the applicable export permit has been issued by the Government of Canada is changed to 10 days to reflect the fact that, pursuant to the SLA 2006, the export permit number must be submitted to CBP at the time of entry summary.

#### **Inapplicability of Notice and Delayed Effective Date Requirements**

Pursuant to 5 U.S.C. 553(a)(1), public notice and a delayed effective date are inapplicable to this regulation because it involves a foreign affairs function of the United States.

#### **Executive Order 12866**

Because this rule involves a foreign affairs function of the United States, it is not subject to Executive Order 12866 and has not been reviewed by the Office of Management and Budget.

#### **Regulatory Flexibility Act**

Because no notice of proposed rulemaking is required for this rule, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply.

#### **Paperwork Reduction Act**

The collection of information referenced in this regulation, CBP Form 7501, has been previously reviewed and approved by the Office of Management and Budget in accordance with the requirements of the Paperwork Reduction Act (44 U.S.C. 3507) under

OMB-assigned control number 1651-0022.

#### **Signing Authority**

This document is being issued in accordance with 19 CFR 0.1(a)(1).

#### **List of Subjects**

##### **19 CFR Part 12**

Bonds, Customs duties and inspection, Entry of merchandise, Imports, Prohibited merchandise, Reporting and recordkeeping requirements, Restricted merchandise.

##### **19 CFR Part 113**

Bonds, Customs duties and inspection, Imports, Reporting and recordkeeping requirements, Surety bonds.

##### **19 CFR Part 163**

Customs duties and inspection, Reporting and recordkeeping requirements.

#### **Amendment to the Regulations**

■ For the reasons stated above, parts 12, 113 and 163 of title 19 of the Code of Federal Regulations are amended as set forth below.

#### **PART 12—SPECIAL CLASSES OF MERCHANDISE**

■ 1. The authority citation for part 12 continues to read in part as follows:

**Authority:** 5 U.S.C. 301; 19 U.S.C. 66, 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States (HTSUS)), 1624;

\* \* \* \* \*

■ 2. Section 12.140 is revised to read as follows:

##### **§ 12.140 Entry of softwood lumber products from Canada.**

The requirements set forth in this section are applicable for as long as the Softwood Lumber Agreement (SLA 2006), entered into on September 12, 2006, by the Governments of the United States and Canada, remains in effect.

(a) *Definitions.* The following definitions apply for purposes of this section:

(1) *British Columbia Coast.* "British Columbia Coast" means the Coastal Forest Regions as defined by the existing *Forest Regions and Districts Regulation*, B.C. Reg. 123/2003.

(2) *British Columbia Interior.* "British Columbia Interior" means the Northern Interior Forest Region and the Southern Interior Forest Region as defined by the existing *Forest Regions and Districts Regulation*, B.C. Reg. 123/2003.

(3) *Date of shipment.* "Date of shipment" means, in the case of

products exported by rail, the date when the railcar that contains the products is assembled to form part of a train for export; otherwise, the date when the products are loaded aboard a conveyance for export. If a shipment is transshipped through a Canadian reload center or other inventory location, the date of shipment is the date the merchandise leaves the reload center or other inventory location for final shipment to the United States.

(4) *Maritimes.* "Maritimes" means New Brunswick, Canada; Nova Scotia, Canada; Prince Edward Island, Canada; and Newfoundland and Labrador, Canada.

(5) *Region.* "Region" means British Columbia Coast or British Columbia Interior as defined in paragraphs (a)(1) and (2) of this section; Alberta, Canada; Manitoba, Canada; Maritimes, Canada; Northwest Territories, Canada; Nunavut Territory, Canada; Ontario, Canada; Saskatchewan, Canada; Quebec, Canada; or Yukon Territory, Canada.

(6) *Region of Origin.* "Region of Origin" means the Region where the facility at which the softwood lumber product was first produced into such a product is located, regardless of whether that product was further processed (for example, by planing or kiln drying) or was transformed from one softwood lumber product into another such product (for example, a remanufactured product) in another Region, with the following exceptions:

(i) The Region of Origin of softwood lumber products first produced in the Maritime Provinces from logs originating in a non-Maritime Region will be the Region, as defined above, where the logs originated; and

(ii) The Region of Origin of softwood lumber products first produced in the Yukon, Northwest Territories or Nunavut (the "Territories") from logs originating outside the Territories will be the Region where the logs originated.

(7) *SLA 2006.* "SLA 2006" or "SLA" means the Softwood Lumber Agreement entered into between the Governments of Canada and the United States on September 12, 2006.

(8) *Softwood lumber products.* "Softwood lumber products" mean those products described as covered by the SLA 2006 in Annex 1A of the Agreement.

(b) *Reporting requirements.* In the case of softwood lumber products from Canada listed in Annex 1A of the SLA 2006 as covered by the scope of the Agreement, the following information must be included on the electronic entry summary documentation (CBP Form 7501) for each entry (except for entries of softwood lumber products whose

Region of Origin is the Maritimes, in which case entry summary documentation must be submitted in paper as set forth in paragraph (c) of this section):

(1) *Region of Origin*. The letter code representing a softwood lumber product's Canadian Region of Origin, as posted on the Administrative Message Board in the Automated Commercial System. (For example, the letter code "XD" designates softwood lumber products whose Region of Origin is British Columbia Coast. The letter code "XE" designates softwood lumber products whose Region of Origin is British Columbia Interior.)

(2) *Export Permit Number*—(i) *Export Permit Number issued by Canada at time of filing entry summary documentation*. The 8-digit Canadian-issued Export Permit Number, preceded by one of the following letter codes:

(A) The letter code assigned to represent the date of shipment (*i.e.*, "A" represents January, "B" represents February, "C" represents March, *etc.*), except for those softwood lumber products produced by a company listed in Annex 10 of the SLA 2006 or whose Region of Origin is the Maritimes, Yukon, Northwest Territories or Nunavut;

(B) The letter code "X", which designates a company listed in Annex 10 of the SLA 2006; or

(C) The letter code assigned to represent the Maritimes (code M); Yukon (code Y); Northwest Territories (code W); or Nunavut (code N), for softwood lumber products originating in these regions.

(ii) *No Export Permit Number required due to softwood lumber product's exempt status*. Where an Export Permit Number is not required because the imported softwood lumber product is specifically identified as exempt from SLA 2006 export measures pursuant to Annex 1A of the Agreement, notwithstanding the fact that the exempt goods are classifiable in residual Harmonized Tariff Schedule of the United States provisions otherwise listed as covered by the SLA 2006, the alpha-numeric code "P88888888" must be used in the Export Permit Number data entry field on the CBP Form 7501.

(c) *Original Maritime Certificate of Origin*. Where a softwood lumber product's Region of Origin is the Maritimes, the original paper copy of the Certificate of Origin issued by the Maritime Lumber Bureau must be submitted to CBP and the entry summary documentation for each such entry must be in paper and not electronic. The Certificate of Origin must specifically state that the

corresponding CBP entries are for softwood lumber products first produced in the Maritimes from logs originating in the Maritimes or State of Maine.

(d) *Recordkeeping*. Importers must retain copies of export permits, certificates of origin, and any other substantiating documentation issued by the Canadian Government pursuant to the recordkeeping requirements set forth in part 163 of title 19 to the CFR.

## PART 113—CUSTOMS BONDS

■ 3. The general authority citation for part 113 continues to read as follows:

**Authority:** 6 U.S.C. 101, *et seq.*; 19 U.S.C. 66, 1623, 1624.

\* \* \* \* \*

### § 113.62 [Amended]

■ 4. In § 113.62, paragraph (k) is amended by:

■ a. Removing the term "§ 12.140(a)" and adding in its place the term "§ 12.140";

■ b. Removing the number "20" and adding in its place the number "10"; and

■ c. Removing the word "Customs" and adding in its place the term "CBP".

## PART 163—RECORDKEEPING

■ 5. The authority citation for part 163 continues to read as follows:

**Authority:** 5 U.S.C. 301; 19 U.S.C. 66, 1484, 1508, 1509, 1510, 1624.

■ 6. The Appendix to part 163 is amended by removing the listing for § 12.140(c) and adding in its place § 12.140(b) and (c) under section IV to read as follows:

### Appendix to Part 163—Interim (a)(1)(A) List

\* \* \* \* \*

#### IV. \* \* \*

### § 12.140(b) and (c) Canadian-issued Export Permit, Certificate of Origin issued by Canada's Maritime Lumber Bureau.

\* \* \* \* \*

**W. Ralph Basham,**

*Commissioner, U.S. Customs and Border Protection.*

Approved: April 10, 2008.

**Timothy E. Skud,**

*Deputy Assistant Secretary of the Treasury.*  
[FR Doc. E8-8095 Filed 4-16-08; 8:45 am]

**BILLING CODE 9111-14-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Parts 189 and 700

[Docket No. 2004N-0081]

RIN 0910-AF47

### Use of Materials Derived From Cattle in Human Food and Cosmetics

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Interim final rule and request for comments.

**SUMMARY:** The Food and Drug Administration (FDA) is amending its regulations on the use of materials derived from cattle in human food and cosmetics. In these regulations, FDA has designated certain materials from cattle as "prohibited cattle materials" and has banned the use of such materials in human food, including dietary supplements, and in cosmetics. Prohibited cattle materials include specified risk materials (SRMs), the small intestine of all cattle unless the distal ileum is removed, material from nonambulatory disabled cattle, material from cattle not inspected and passed for human consumption, or mechanically separated (MS) (Beef). Specified risk materials include the brain, skull, eyes, trigeminal ganglia, spinal cord, vertebral column (excluding the vertebrae of the tail, the transverse processes of the thoracic and lumbar vertebrae, and the wings of the sacrum), and dorsal root ganglia of cattle 30 months of age and older, and the tonsils and distal ileum of the small intestine of all cattle. FDA is amending its regulations so that FDA may designate a country as not subject to certain bovine spongiform encephalopathy (BSE)-related restrictions applicable to FDA regulated human food and cosmetics. A country seeking to be so designated must send a written request to the Director of FDA's Center for Food Safety and Applied Nutrition, including information about the country's BSE case history, risk factors, measures to prevent the introduction and transmission of BSE, and any other relevant information.

**DATES:** This interim final rule is effective July 16, 2008. Submit written or electronic comments on this interim final rule by July 16, 2008. Submit comments on information collection issues under the Paperwork Reduction Act of 1995 by May 19, 2008 (see the "Paperwork Reduction Act of 1995" section of this document).