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**Robert E. Feldman,**  
*Executive Secretary.*  
[FR Doc. E8-14076 Filed 6-20-08; 8:45 am]  
BILLING CODE 6714-01-P

## DEPARTMENT OF HOMELAND SECURITY

### Bureau of Customs and Border Protection

#### 19 CFR Part 122

[CBP Dec. 08-23]

#### List of User Fee Airports: Additions of Capital City Airport, Lansing, MI and Kelly Field Annex, San Antonio, TX

**AGENCY:** Customs and Border Protection, Department of Homeland Security.

**ACTION:** Final rule; technical amendments.

**SUMMARY:** This document amends the Customs and Border Protection (CBP) Regulations by revising the list of user fee airports to reflect the recent user fee airport designations for Capital City Airport in Lansing, Michigan, and Kelly Field Annex in San Antonio, Texas. User fee airports are those airports which, while not qualifying for designation as international or landing rights airports, have been approved by the Commissioner of CBP to receive, for a fee, the services of CBP officers for the processing of aircraft entering the United States, and the passengers and cargo of those aircraft.

**DATES:** *Effective Date:* June 23, 2008.

**FOR FURTHER INFORMATION CONTACT:** Michael Captain, Office of Field Operations, 703-261-8516.

#### SUPPLEMENTARY INFORMATION:

##### Background

Title 19, Code of Federal Regulations (CFR), sets forth at Part 122 regulations relating to the entry and clearance of aircraft in international commerce and the transportation of persons and cargo by aircraft in international commerce.

Generally, a civil aircraft arriving from a place outside of the United States is required to land at an airport designated as an international airport. Alternatively, the pilot of a civil aircraft may request permission to land at a specific airport, and, if landing rights are granted, the civil aircraft may land at that landing rights airport.

Section 236 of Public Law 98-573 (the Trade and Tariff Act of 1984), codified at 19 U.S.C. 58b, created an option for civil aircraft desiring to land at an airport other than an international

airport or a landing rights airport. A civil aircraft arriving from a place outside of the United States may ask for permission to land at an airport designated by the Secretary of Homeland Security<sup>1</sup> as a user fee airport.

Pursuant to 19 U.S.C. 58b, an airport may be designated as a user fee airport if the Commissioner of CBP as delegated by the Secretary of Homeland Security determines that the volume of business at the airport is insufficient to justify customs services at the airport and the governor of the state in which the airport is located approves the designation. Generally, the type of airport that would seek designation as a user fee airport would be one at which a company, such as an air courier service, has a specialized interest in regularly landing.

As the volume of business anticipated at this type of airport is insufficient to justify its designation as an international or landing rights airport, the availability of customs services is not paid for out of appropriations from the general treasury of the United States. Instead, customs services are provided on a fully reimbursable basis to be paid for by the user fee airport on behalf of the recipients of the services.

The fees which are to be charged at user fee airports, according to the statute, shall be paid by each person using the customs services at the airport and shall be in the amount equal to the expenses incurred by the Commissioner of CBP in providing customs services which are rendered to such person at such airport, including the salary and expenses of those employed by the Commissioner of CBP to provide the customs services. To implement this provision, generally, the airport seeking the designation as a user fee airport or that airport's authority agrees to pay a flat fee for which the users of the airport are to reimburse the airport/airport authority. The airport/airport authority agrees to set and periodically review the charges to ensure that they are in accord with the airport's expenses.

The Commissioner of CBP designates airports as user fee airports pursuant to 19 U.S.C. 58b. See 19 CFR 122.15. If the Commissioner decides that the

conditions for designation as a user fee airport are satisfied, a Memorandum of Agreement (MOA) is executed between the Commissioner of CBP and the local responsible official signing on behalf of the state, city or municipality in which the airport is located. In this manner, user fee airports are designated on a case-by-case basis. Section 19 CFR 122.15 sets forth the grounds for withdrawal of a user fee designation and sets forth the list of designated user fee airports. Periodically, CBP updates the list of user fee airports at 19 CFR 122.15(b) to reflect those that have been currently designated by the Commissioner. This document updates that list of user fee airports by adding Capital City Airport, in Lansing, Michigan, and Kelly Field Annex, in San Antonio, Texas, to the list. On January 22, 2008, and February 8, 2008, respectively, the Commissioner signed MOA's approving the designation of user fee status for Capital City Airport and Kelly Field Annex.

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

Because these amendments merely update the list of user fee airports to include airports already designated by the Commissioner of CBP in accordance with 19 U.S.C. 58b and neither impose additional burdens on, nor take away any existing rights or privileges from, the public, pursuant to 5 U.S.C. 553(b)(B), notice and public procedure are unnecessary, and for the same reasons, pursuant to 5 U.S.C. 553(d)(3), a delayed effective date is not required.

#### The Regulatory Flexibility Act and Executive Order 12866

Because no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply. These amendments do not meet the criteria for a "significant regulatory action" as specified in Executive Order 12866.

#### Signing Authority

This document is limited to technical corrections of CBP regulations. Accordingly, it is being signed under the authority of 19 CFR 0.1(b).

#### List of Subjects in 19 CFR Part 122

Air carriers, Aircraft, Airports, Customs duties and inspection, Freight.

#### Amendments to Regulations

■ Part 122, Code of Federal Regulations (19 CFR part 122) is amended as set forth below:

<sup>1</sup> Sections 403(1) and 411 of the Homeland Security Act of 2002 ("the Act," Pub. L. 107-296) transferred the United States Customs Service and its functions from the Department of the Treasury to the Department of Homeland Security; pursuant to section 1502 of the Act, the President renamed the "Customs Service" as the "Bureau of Customs and Border Protection." Effective on March 31, 2007, DHS changed the name of "Bureau of Customs and Border Protection" to "U.S. Customs and Border Protection (CBP)" (See 72 FR 20131, April 23, 2007).

## PART 122—AIR COMMERCE REGULATIONS

■ 1. The authority citation for part 122 continues to read as follows:

**Authority:** 5 U.S.C. 301; 19 U.S.C. 58b, 66, 1431, 1433, 1436, 1448, 1459, 1590, 1594, 1623, 1624, 1644, 1644a, 2071 note.

### § 122.15 [Amended]

■ 2. The listing of user fee airports in § 122.15(b) is amended as follows: by adding, in alphabetical order, in the “Location” column “Lansing, Michigan” and by adding on the same line, in the “Name” column, “Capital City Airport”; by adding, in alphabetical order, in the “Location” column “San Antonio, Texas” and by adding on the same line, in the “Name” column “Kelly Field Annex.”

Dated: June 18, 2008.

**Jayson P. Ahern,**

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

[FR Doc. E8–14125 Filed 6–20–08; 8:45 am]

BILLING CODE 9111–14–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Parts 510, 520, and 558

#### New Animal Drugs; Change of Sponsor's Drug Labeler Code

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

**ACTION:** Final rule; technical amendment.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a change of sponsor's drug labeler code for ADM Alliance Nutrition, Inc. This action is being taken to improve the accuracy of the regulations.

**DATES:** This rule is effective June 23, 2008.

#### FOR FURTHER INFORMATION CONTACT:

Charise Kasser, Center for Veterinary Medicine (HFV–212), Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 240–276–9069, e-mail: [charise.kasser@fda.hhs.gov](mailto:charise.kasser@fda.hhs.gov).

**SUPPLEMENTARY INFORMATION:** ADM Alliance Nutrition, Inc., 1000 North 30th St., Quincy, IL 62305–3115, has informed FDA that it has obtained a new drug labeler code (DLC) in 2007, which has not been reflected in the animal drug regulations. Accordingly, the regulations in 21 CFR 510.600, 520.445b, 520.2380a, 558.95, 558.128,

558.274, 558.311, 558.355, 558.485, 558.625, and 558.630 are amended to reflect this new DLC. This action is being taken to improve the accuracy of the regulations.

This rule does not meet the definition of “rule” in 5 U.S.C. 804(3)(A) because it is a rule of “particular applicability.” Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

#### List of Subjects

##### 21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

##### 21 CFR Part 520

Animal drugs.

##### 21 CFR Part 558

Animal drugs, Animal feeds.

■ Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR parts 510, 520, and 558 are amended as follows:

#### PART 510—NEW ANIMAL DRUGS

■ 1. The authority citation for 21 CFR part 510 continues to read as follows:

**Authority:** 21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 379e.

### § 510.600 [Amended]

■ 2. In § 510.600, in the table in paragraph (c)(1), revise the entry for “ADM Alliance Nutrition, Inc.”; and in the table in paragraph (c)(2), remove the entry for “021930” and in numerical sequence add an entry for “012286” to read as follows:

#### § 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

*	*	*	*	*	*
(c)	*	*	*		
(1)	*	*	*		
Firm name and address				Drug labeler code	
*	*	*	*	*	*
ADM Alliance Nutrition, Inc., 1000 North 30th St., Quincy, IL 62305–3115				012286	
*	*	*	*	*	*
(2)				*	*
Drug labeler code		Firm name and address			
*	*	*	*	*	*

Drug labeler code	Firm name and address
012286	ADM Alliance Nutrition, Inc., 1000 North 30th St., Quincy, IL 62305–3115
* *	* *

#### PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

■ 3. The authority citation for 21 CFR part 520 continues to read as follows:

**Authority:** 21 U.S.C. 360b.

### § 520.445b [Amended]

■ 4. In paragraph (b)(4) of § 520.445b, remove “021930” and in its place add “012286”.

### § 520.2380a [Amended]

■ 5. In paragraph (c)(3) of § 520.2380a, remove “021930” and in its place add “012286”.

#### PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

■ 6. The authority citation for 21 CFR part 558 continues to read as follows:

**Authority:** 21 U.S.C. 360b, 371.

### § 558.95 [Amended]

■ 7. In paragraph (a)(4) of § 558.95, remove “016968, 017790, and 021930” and in its place add “012286, 016968, and 017790”.

### § 558.128 [Amended]

■ 8. In § 558.128, in paragraph (b)(2), remove “021930” and in its place add “012286”; and in the tables in paragraphs (e)(1) through (e)(4), in the “Sponsor” column, remove “021930” wherever it occurs and in its place add “012286”.

### § 558.274 [Amended]

■ 9. In § 558.274, in paragraph (a)(7), remove “021930” and in its place add “No. 012286”; and in the table in paragraphs (c)(1)(i) and (c)(1)(ii) in the “Sponsor” column, remove “021930” and in numerical sequence add “012286”.

### § 558.311 [Amended]

■ 10. In paragraph (b)(5) of § 558.311, remove “017800 and 021930” and in its place add “012286 and 017800”.

### § 558.355 [Amended]

■ 11. In paragraph (b)(13) of § 558.355, remove “021930” and in its place add “No. 012286”.