

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission****18 CFR Part 385**

[Docket No. RM08–8–000]

**Ex Parte Contacts and Separation of Functions****AGENCY:** Federal Energy Regulatory Commission, DOE.**ACTION:** Correcting amendment.

**SUMMARY:** This document contains a correction to the final regulations (Docket No. RM08–8–000) that were published in the **Federal Register** on October 22, 2008 (73 FR 62881). The final rule document revised the Federal Energy Regulatory Commission's regulations to clarify its rules governing ex parte contacts and separation of functions as they apply to proceedings arising out of investigations initiated under Part 1b of the Commission's regulations.

**DATES:** *Effective Date:* November 21, 2008.**FOR FURTHER INFORMATION CONTACT:**Wilbur Miller, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, 202–502–8953, [wilbur.miller@ferc.gov](mailto:wilbur.miller@ferc.gov).

**SUPPLEMENTARY INFORMATION:** In FR Document E8–25103, appearing on page 62886 in the **Federal Register** of October 22, 2008, at the beginning of the **SUPPLEMENTARY INFORMATION** text, before paragraph 1, add the following: "Before Commissioners: Joseph T. Kelliher, Chairman; Suedeen G. Kelly, Marc Spitzer, Philip D. Moeller, and Jon Wellinghoff."

**Nathaniel J. Davis, Sr.,**  
*Deputy Secretary.*

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**DEPARTMENT OF HOMELAND SECURITY****U.S. Customs and Border Protection****19 CFR Part 102**

[CBP Dec. 08–42]

**Technical Corrections Relating to the Rules of Origin for Goods Imported Under the NAFTA and for Textile and Apparel Products****AGENCIES:** Customs and Border Protection, Department of Homeland Security; Department of the Treasury.**ACTION:** Final rule; technical corrections.

**SUMMARY:** This document sets forth technical corrections to part 102 of the U.S. Customs and Border Protection (CBP) regulations to reflect recent changes in the Harmonized Tariff Schedule of the United States. The affected provisions in part 102, which are based in part on specified changes in tariff classification, comprise a codified system used for determining the country of origin of goods imported under the North American Free Trade Agreement (NAFTA) and for the country of origin of textile and apparel products (other than those of Israel).

**DATES:** This final rule is effective on October 30, 2008.**FOR FURTHER INFORMATION CONTACT:**

Heather K. Pinnock, Tariff Classification and Marking Branch, Regulations and Rulings, Office of International Trade, (202) 572–8828.

**SUPPLEMENTARY INFORMATION:****Background**

On June 6, 1996, CBP published in the **Federal Register** (61 FR 28932) as T.D. 96–48, a document which adopted as a final rule, amendments to the CBP regulations establishing specific 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 (as opposed to the rules for preference purposes in Chapter 4 and Annex 401). In order to simplify and standardize country of origin determinations for purposes of the NAFTA, the rules of origin in T.D. 96–48 set forth a codified method that uses specified changes in tariff classification (tariff shifts) and other rules to express the substantial transformation concept. Under this codified method, the substantial transformation that an imported good must undergo in order to be deemed a good of the country where the change occurred is expressed through these rules.

On July 1, 1996, shortly after the publication of T.D. 96–48, CBP also gave effect to section 334 of the Uruguay Round Agreements Act by implementing rules of origin applicable to all textile and apparel imports except for purposes of determining whether goods originate in Israel (*see* T.D. 95–69, published in the **Federal Register** on September 5, 1995 (60 FR 46188)).

The specific changes in tariff classification requirements for determining the country of origin of imported goods (other than textiles and apparel products covered by § 102.21)

under the provisions of the NAFTA are set forth in § 102.20 of the CBP regulations (19 CFR 102.20) except for textiles and apparel products covered by § 102.21. Section 102.20 prescribes the tariff shift rules that are used to determinewhether a good is considered a good of a NAFTA country (United States, Canada or Mexico). The rules of origin relating to trade in textile and apparel products, other than those that are products of Israel, are found in § 102.21.

In addition, we note that CBP published in the **Federal Register** (73 FR 43385) on July 25, 2008, a notice of proposed rulemaking in which it proposed to amend the CBP regulations to establish uniform rules governing CBP determinations of the country of origin of imported merchandise. Specifically, CBP proposed that the rules in 19 CFR part 102 be applicable for all purposes for which "product of" or "country of origin" criterion is prescribed under customs and related laws, the navigation laws of the United States, and the CBP regulations, except for the purpose of determining whether a good other than a textile or apparel good is entitled to preferential treatment under the United States' free trade agreements with Israel and Jordan, or unless otherwise specified, or as otherwise provided for by statute. The technical corrections to the tariff shift rules set forth in this document will enable interested parties to properly evaluate the impact, if any, of the proposed rulemaking on the country of origin of their goods.

**Need for Correction**

Pursuant to section 1205 of the Omnibus Trade and Competitiveness Act of 1988 (codified at 19 U.S.C. 3005), the International Trade Commission (ITC) is required to keep the HTSUS under continuous review and prepare investigations proposing modifications to the HTSUS to the President. In April 2006, the ITC issued Investigation No. 1205–6, Proposed Modifications to the Harmonized Tariff Schedule of the United States, Publication No. 3851. The modifications proposed in the report were effective on February 3, 2007, pursuant to Presidential Proclamation 8097 which was published in the **Federal Register** on January 4, 2007 (72 FR 453).

As a result of the 2007 modifications to the HTSUS, certain tariff provisions have been added or removed, and certain goods have been transferred, for tariff classification purposes, to different or newly-created tariff provisions. The changes to the HTSUS involve product coverage and/or numbering of certain