IV. Environmental Impact

The agency has determined under 21 CFR 25.32(p) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

V. Paperwork Reduction Act

FDA concludes that the labeling provisions of this final rule are not subject to review by the Office of Management and Budget because they do not constitute a ''collection of information'' under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). Rather, the food labeling health claim on the association between consumption of barley betafiber and reduced risk of coronary heart disease is a ''public disclosure of information originally supplied by the Federal Government to the recipient for the purpose of disclosure to the public'' (5 CFR 1320.3(c)(2)).

VI. Federalism

FDA has analyzed this final rule in accordance with the principles set forth in Executive Order 13132. FDA has determined that the rule will have a preemptive effect on State law. Section 4(a) of the Executive order requires agencies to ''construe * * * a Federal statute to preempt State law only where the statute contains an express preemption provision or there is some other clear evidence that the Congress intended preemption of State law, or where the exercise of State authority conflicts with the exercise of Federal authority under the Federal statute.'' Section 403A of the act (21 U.S.C. 343–1) is an express preemption provision. Section 403A(a)(5) of the act provides that ''* * * no State or political subdivision of a State may directly or indirectly establish under any authority or continue in effect as to any food in interstate commerce—* * * any requirement respecting any claim of the type described in section 403(r)(1) made in the label or labeling of food that is not identical to the requirement of section 403(r). * * *''

On February 25, 2008, FDA published an IFR which imposed requirements under section 403(r) of the act. This final rule affirms the February 25, 2008, amendment to the existing food labeling regulations to add barley betafiber to the authorized health claim for soluble fiber from certain foods and CHD. Although this rule has a preemptive effect in that it precludes States from issuing any health claim labeling requirements for barley betafiber and reduced risk of CHD that are not identical to those required by this final rule, this preemptive effect is consistent with what Congress set forth in section 403A of the act. Section 403A(a)(5) of the act displaces both State legislative requirements and State common law duties (*Riegel* v. *Medtronic*, 128 S. Ct. 999 (2008)).

FDA believes that the preemptive effect of this final rule is consistent with Executive Order 13132. Section 4(e) of the Executive order provides that ''when an agency proposes to act through adjudication or rulemaking to preempt State law, the agency shall provide all affected State and local officials notice and an opportunity for appropriate participation in the proceedings.'' On December 12, 2007, FDA's Division of Federal and State Relations provided notice via fax and e-mail transmission to State health commissioners, State agriculture commissioners, food program directors, and drug program directors, as well as FDA field personnel, of FDA's intent to amend the health claim regulation authorizing health claims for soluble fiber from certain foods and CHD (§ 101.81).

In addition, the agency sought input from all stakeholders through publication of the IFR in the **Federal Register** on February 25, 2008. FDA received one comment from the Commonwealth of Kentucky, which noted that FDA's ruling on the health claim would not adversely affect the State's actions or conflict with any State laws.

In conclusion, the agency believes that it has complied with all of the applicable requirements of Executive Order 13132 and has determined that the preemptive effects of this rule are consistent with the Executive order.

List of Subjects in 21 CFR Part 101

Food labeling, Nutrition, Reporting and recordkeeping requirements.

■ Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 101 is amended as follows:

PART 101—FOOD LABELING

■ Accordingly, the interim final rule amending § 101.81 that was published in the **Federal Register** of February 25, 2008 (73 FR 9938), is adopted as a final rule, without change.

Dated: August 7, 2008.

Jeffrey Shuren,

Associate Commissioner for Policy and Planning.

[FR Doc. E8–18863 Filed 8–14–08; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF STATE

22 CFR Part 94

[Public Notice: 6320]

RIN 1400–AC45

Procedures for Children Abducted to the United States; Interim Final Rule

AGENCY: Department of State.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule amends regulations regarding incoming parental abduction cases pursuant to the Hague Convention on the Civil Aspects of International Child Abduction. Incoming cases will be processed by the United States Central Authority (USCA), the Office of Children's Issues in the Bureau of Consular Affairs within the U.S. Department of State or an entity designated by the USCA.

DATES: This rule is effective August 15, 2008.

The Department will accept written comments from the public through September 15, 2008.

ADDRESSES: You may submit comments, identified by RIN 1400–AC45, by either of the following methods:

• *Electronic comments:* Submit through the Federal eRulemaking Portal; *http://www.regulations.gov.* Follow the instructions for submitting comments.

• *Mail:* Address all written submissions to Corrin M. Ferber, CA/OCS/PRI, U.S. Department of State, 2100 Pennsylvania Ave., NW., 4th Floor, Washington, DC 20037, fax 202–736–9111.

Instructions: Please submit one copy of your comments by only one method. All submissions must include the agency name and Regulatory Information Number (RIN) identification above for this rulemaking.

FOR FURTHER INFORMATION CONTACT: Corrin M. Ferber, CA/OCS/PRI, U.S. Department of State, Room 4039, 2201 C Street, NW., Washington, DC 20520; telephone: (202) 736–9172 (this is not a toll free number). Hearing-or speech-impaired persons may use the Telecommunications Devices for the Deaf (TDD) by contacting the Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: Since 1988, the Department of State has served as the United States Central Authority (USCA) under the Hague Convention on the Civil Aspects of International Child Abduction (Hague Convention). The Office of Children's Issues (CI) in the Department's Bureau of Consular Affairs serves as the primary point of contact for abduction cases and is responsible for processing all Hague Convention applications seeking the return of children wrongfully removed or retained in the United States from any other Hague Convention contracting state. In addition, CI is responsible for facilitating access rights under the Hague Convention. In FY 2007, CI processed approximately 575 cases involving 821 children who were reported abducted from or retained outside the United States in other Hague contracting countries. Another 355 cases involving 518 children who were reported abducted to or retained in the United States from other Hague contracting countries were also processed in FY 2007 (Hague incoming cases).

The processing of incoming Hague Convention applications requires case officers to communicate with foreign Central Authorities about incoming cases, to determine the whereabouts of children wrongfully taken to the United States, to attempt to promote the voluntary return of abducted children, and to facilitate the initiation of judicial proceedings with a view toward securing the return of abducted children. Many of the case officer functions involve extensive contact with local law enforcement officials, social service agencies, legal aid organizations and local bar associations.

22 CFR part 94 is being amended to reflect the fact that CI will resume case officer functions for Hague Convention cases where a child has been abducted to or retained in the United States, or will select an entity to assist the Central Authority to carry out these obligations. Since 1996, these functions have been carried out by the National Center for Missing and Exploited Children (NCMEC). *See* 61 FR 7069 (Feb. 26, 1996); 60 FR 66073 (Dec. 21, 1995). CI continued to perform the remaining USCA functions during this time and retained ultimate responsibility for all incoming cases, and all inherently governmental functions, including matters of Hague Convention interpretation and policy direction. In March 2008, in an effort to reintegrate these various USCA functions, CI significantly modified its agreement with the Department of Justice's Office of Juvenile Justice and Delinquency Prevention and NCMEC such that CI would resume the case officer functions.

This change reflects the expansion of CI's capacity to manage the full range of case officer functions for incoming Hague abduction cases. During the past 12 years, CI has significantly increased its capacity to carry out casework, including its ability to liaise with other federal agencies; federal, state and local law enforcement; domestic and foreign social service agencies, non-governmental organizations; legal aid organizations; and local bar associations. The Office of the Inspector General (OIG) noted in its 2005 report that case officers exhibit the necessary combination of tact, empathy, and professionalism required to do this work. Further, it noted that the ability and commitment of the caseworkers was evident and well supported by the management team within CI. The findings of the OIG indicate that CI has developed the necessary tools to manage incoming casework since entering into its initial agreement with NCMEC in 1995. This development, coupled with CI's desire to provide consistent, efficient services to parents, and an interest in maintaining clear communications with foreign Central Authorities, makes this an appropriate time for CI to resume responsibility for handling incoming Hague Convention cases, or, alternatively, to select an entity to assist in the carrying out of these functions.

The Department of State is publishing this as an interim final rule, rather than as a notice of proposed rulemaking as allowed by 5 U.S.C. 553(b)(3)(B) when an agency determines, for good cause, that it is unnecessary to publish a proposed rule. The Department of State has determined that publication of a proposed rule is unnecessary, as the transfer of responsibility over incoming Hague Convention cases back to CI primarily affects internal workload distribution and management of the USCA functions. This rule minimally modifies the regulation to allow the USCA to have the discretion to determine whether to execute Central Authority functions itself, or to select an entity to assist the Central Authority to carry out its obligations.

This rule is exempt from E.O. 12866, but nonetheless has been reviewed and found to be consistent with the objectives and policies thereof. This rule is not expected to have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act, 5 U.S.C. 605(b). In addition, this rule would not impose information collection requirements under the provisions of the Paperwork Reduction Act, 44 U.S.C. chapter 35. Nor does this rule have federalism implications warranting the preparation of a Federalism Assessment in accordance with E.O. 12612. This rule has been reviewed as required by E.O. 12988 and certified to be in compliance therewith.

Regulatory Findings

The Department is publishing this rule as an interim final rule, with 60 days for post-promulgation public comments, in accordance with the exemption contained in 5 U.S.C. 553(a)(2) for matters relating to agency management or personnel. The transfer of responsibility over incoming Hague Convention cases back to the Office of Children's Issues at the Department of State primarily affects internal workload distribution and management of the USCA functions.

Regulatory Flexibility Act/Executive Order 13272: Small Business

Since this action is exempt from notice and comment procedures contained in 5 U.S.C. 553, and no other statute mandates such procedures, no analysis under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) is required. However, these changes to the regulations are not expected to have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act, 5 U.S.C. 601–612, and Executive Order 13272, section 3(b).

The Small Business Regulatory Enforcement Fairness Act of 1996

This interim final rule is not a major rule, as defined by 5 U.S.C. 804, for purposes of congressional review of agency rulemaking under the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121. This rule will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of the United States-based companies to compete with foreign-based companies in domestic and export markets.

The Unfunded Mandates Reform Act of 1995

Section 202 of the Unfunded Mandates Reform Act of 1995 (UFMA), Public Law 104–4, 109 Stat. 64, 2 U.S. C. 1532, generally requires agencies to prepare a statement before proposing or adopting any rule that may result in an annual expenditure of $100 million or more (adjusted annually for inflation) by

state, local, or tribal governments, or by the private sector. This rule will not result in any such expenditure nor will it significantly or uniquely affect small governments.

Executive Orders 12372 and 13132: Federalism

This rule does not have federalism implications warranting the application of Executive Orders No. 12372 and No. 13132. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

Executive Order 12866: Regulatory Review

The Department of State does not consider this interim final rule to be a ''significant regulatory action'' under Executive Order 12866, section 3(f), Regulatory Planning and Review. In addition, the Department is generally exempt from Executive Order 12866 except to the extent that it is promulgating regulations in conjunction with a domestic agency that are significant regulatory actions. The Department has nevertheless reviewed the regulation to ensure its consistency with the regulatory philosophy and principles set forth in that Executive Order.

Executive Order 12988: Civil Justice Reform

The Department has reviewed the regulations in light of sections 3 (a) and 3 (b)(2) of Executive Order No. 12988 to eliminate ambiguity, minimize litigation, establish clear legal standards, and reduce burden.

The Paperwork Reduction Act of 1995

Under the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501, *et seq.*, Federal agencies must obtain approval from OMB for most collections of information they conduct, sponsor, or require through regulation. The Department of State has determined that this rule does not require new collection of information for purposes of the PRA.

List of Subjects in 22 CFR Part 94

Infants and children, Reporting and recordkeeping requirements, Treaties.

■ For the reasons set forth in the preamble, 22 CFR part 94 is revised to read as follows:

PART 94—INTERNATIONAL CHILD ABDUCTION

■ 1. The authority citation for part 94 continues to read as follows:

Authority: Hague Convention on the Civil Aspects of International Child Abduction; International Child Abduction Remedies Act, Public Law 100–300.

■ 2. Section 94.6 is amended by revising the introductory text and revising paragraph (a) and paragraph (l) to read as follows:

§ 94.6 Procedures for children abducted to the United States.

The U.S. Central Authority, or an entity acting at its direction, shall perform the following operational functions with respect to all Hague Convention applications seeking the return of children wrongfully removed to or retained in the United States or seeking access to children in the United States:

(a) Receive all applications seeking return of children wrongfully retained in the United States or seeking access to children in the United States;

* * * * *

(l) Perform such additional functions as determined by the U.S. Central Authority, deemed advisable to maintain U.S. treaty compliance with the Hague Convention on the Civil Aspects of International Child Abduction.

Dated: July 23, 2008.

Janice Jacobs,

Assistant Secretary of State for Consular Affairs, Department of State.

[FR Doc. E8–18961 Filed 8–14–08; 8:45 am]

BILLING CODE 4710–06–P

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 4022 and 4044

Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: The Pension Benefit Guaranty Corporation's regulations on Benefits Payable in Terminated Single-Employer Plans and Allocation of Assets in Single-Employer Plans prescribe interest assumptions for valuing and paying benefits under terminating single-employer plans. This final rule amends the regulations to adopt interest assumptions for plans with valuation dates in September 2008. Interest assumptions are also published on the PBGC's Web site (*http://www.pbgc.gov*).

DATES: Effective September 1, 2008.

FOR FURTHER INFORMATION CONTACT: Catherine B. Klion, Manager, Regulatory and Policy Division, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202–326–4024. (TTY/TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION: The PBGC's regulations prescribe actuarial assumptions—including interest assumptions—for valuing and paying plan benefits of terminating single-employer plans covered by title IV of the Employee Retirement Income Security Act of 1974. The interest assumptions are intended to reflect current conditions in the financial and annuity markets.

Three sets of interest assumptions are prescribed: (1) A set for the valuation of benefits for allocation purposes under section 4044 (found in Appendix B to Part 4044), (2) a set for the PBGC to use to determine whether a benefit is payable as a lump sum and to determine lump-sum amounts to be paid by the PBGC (found in Appendix B to Part 4022), and (3) a set for private-sector pension practitioners to refer to if they wish to use lump-sum interest rates determined using the PBGC's historical methodology (found in appendix C to part 4022).

This amendment (1) adds to appendix B to part 4044 the interest assumptions for valuing benefits for allocation purposes in plans with valuation dates during September 2008, (2) adds to appendix B to part 4022 the interest assumptions for the PBGC to use for its own lump-sum payments in plans with valuation dates during September 2008, and (3) adds to appendix C to part 4022 the interest assumptions for private-sector pension practitioners to refer to if they wish to use lump-sum interest rates determined using the PBGC's historical methodology for valuation dates during September 2008.

For valuation of benefits for allocation purposes, the interest assumptions that the PBGC will use (set forth in appendix B to part 4044) will be 6.24 percent for the first 20 years following the valuation date and 5.31 percent thereafter. These interest assumptions represent an increase (from those in effect for August 2008) of 0.19 percent for the first 20 years following the valuation date and 0.19 percent for all years thereafter.

The interest assumptions that the PBGC will use for its own lump-sum payments (set forth in appendix B to part 4022) will be 3.50 percent for the period during which a benefit is in pay