

Rules and Regulations

Federal Register

Vol. 74, No. 29

Friday, February 13, 2009

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

7 CFR Part 1779

Rural Housing Service

7 CFR Part 3575

Rural Business-Cooperative Service

Rural Utilities Service

7 CFR Parts 4279 and 4280

Rural Business-Cooperative Service

Rural Housing Service

Rural Utilities Service

7 CFR Part 5001

[FR Doc. E9-813]

RIN 0570-AA65

Rural Development Guaranteed Loans

AGENCIES: Rural Business-Cooperative Service, Rural Housing Service, Rural Utilities Service, USDA.

ACTION: Delay of effective date; request for public comment on a further delay of the effective date.

SUMMARY: This document seeks public comment on a proposal to delay for 104 days the effective date of the interim rule, for Rural Development Guaranteed Loans, which was published on December 17, 2008. The interim rule establishes a unified guaranteed loan platform for the enhanced delivery of four existing Rural Development guaranteed loan programs—Community Facility; Water and Waste Disposal; Business and Industry; and Rural Energy for America Program, formerly known as Renewable Energy Systems and Energy Efficiency Improvement

Projects. The Department seeks comments on whether or not it should delay the effective date of the interim rule until June 1, 2009, in order to provide the Agency sufficient time to implement certain administrative aspects associated with the interim rule. For that reason, the Department is seeking comments on the merits of extending the effective date of the interim rule to June 1, 2009. In order to allow sufficient time for public comment on the Agency's proposal to further extend the effective date until June 1, 2009, this document extends the current effective date from February 17, 2009, to March 9, 2009, pursuant to the "good cause" clause under the Administrative Procedures Act (5 U.S.C. 553(b)(3)(B)).

DATES: The effective date of the interim rule, which was published on December 17, 2008 [73 FR 76698], delayed until February 17, 2009 [74 FR 2823], is further delayed until March 9, 2009.

Comments on extending the effective date to June 1, 2009, must be received on or before February 20, 2009.

ADDRESSES: Submit your comments by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Mail:* Submit written comments via the U.S. Postal Service to the Branch Chief, Regulations and Paperwork Management Branch, U.S. Department of Agriculture, Stop 0742, 1400 Independence Avenue, SW., Washington, DC 20250-0742.
- *Hand Delivery/Courier:* Submit written comments via Federal Express Mail or other courier service requiring a street address to the Branch Chief, Regulations and Paperwork Management Branch, U.S. Department of Agriculture, 300 7th Street, SW., 7th Floor, Washington, DC 20024.

All written comments will be available for public inspection during regular work hours at the 300 7th Street, SW., 7th Floor address listed above.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Foore, Rural Development, Business and Cooperative Programs, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Stop 3201, Washington, DC 20250-3201; e-mail: Michael.Foore@wdc.usda.gov; telephone (202) 690-4730.

SUPPLEMENTARY INFORMATION: On January 16, 2009, Rural Development

delayed the original effective date of the interim rule from January 16, 2009, to February 17, 2009, because there was insufficient time to correct a technical error in the interim rule before the interim rule became effective on January 16, 2009.

Since then, Rural Development has identified several administrative actions, including providing the best guidance it can to its field staff on the interim rule, that it believes are necessary to occur prior to the effective date of the interim rule in order to ensure the successful implementation of the interim rule. Rural Development believes that extending the effective date is needed in order to provide Rural Development the necessary time to implement these administrative actions.

Because there is insufficient time between now and February 17, 2009, to solicit and consider public comment on Rural Development's proposed new effective date of June 1, 2009, the Agency is extending the effective date to March 9, 2009, without public comment. Rural Development is making this change because we believe we have good cause to do so, as is provided for under the Administrative Procedures Act (5 U.S.C. 553(b)(3)(B)), because:

1. The implementation of the interim rule on February 17, 2009, would create substantial legal and operational risks to the affected programs because the Agency needs more time to make changes to accounting and financial control information technology systems critical to the delivery of these programs and to prepare field staff. These actions cannot be completed by February 17, 2009.

2. This extension allows the public a reasonable opportunity to comment on this proposed extension of the effective date to June 1, 2009, and for the Agency to consider such comments before making the decision to June 1, 2009.

Lastly, consistent with the January 20, 2009, memo from the Assistant to the President and Chief of Staff, entitled "Regulatory Review," the extension will enable the Agency to finish the 60-day review described in this memo during this proposed extension of the effective date.

Dated: February 9, 2009.

William F. Hagy III,

Acting Deputy Under Secretary, Rural Development.

[FR Doc. E9-3092 Filed 2-12-09; 8:45 am]

BILLING CODE 3410-XY-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 520

[Docket No. FDA-2009-N-0665]

Oral Dosage Form New Animal Drugs; Tiamulin

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Novartis Animal Health US, Inc. The supplemental NADA provides for removal of a 250-pound weight restriction and the addition of a reproductive caution statement to labeling of tiamulin concentrate solution used in drinking water for the treatment of certain bacterial respiratory and enteric diseases in swine.

DATES: This rule is effective February 13, 2009.

FOR FURTHER INFORMATION CONTACT:

Cindy L. Burnsteel, Center for Veterinary Medicine (HFV-130), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 240-276-8341, e-mail: cindy.burnsteel@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: Novartis Animal Health US, Inc., 3200 Northline Ave., suite 300, Greensboro, NC 27408, filed a supplement to NADA 140-916 for DENAGARD (tiamulin) Liquid Concentrate used for the treatment of certain bacterial respiratory and enteric diseases in swine. The supplemental NADA provides for removal of a 250-pound weight restriction and the addition of a reproductive caution statement to labeling. The supplemental NADA is approved as of January 27, 2009, and 21 CFR 520.2455 is amended to reflect the approval.

Approval of this supplemental NADA did not require review of additional safety or effectiveness data or information. Therefore, a freedom of information summary is not required.

The agency has determined under 21 CFR 25.33(d)(1) 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.

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 in 21 CFR Part 520

Animal drugs.

■ 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 part 520 is amended as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

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

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

■ 2. In § 520.2455, remove paragraph (d), redesignate paragraph (e) as paragraph (d), and revise newly redesignated paragraph (d)(2) to read as follows:

§ 520.2455 Tiamulin.

* * * * *

(d) * * *

(2) *Limitations.* Use as only source of drinking water. Prepare fresh medicated water daily. Withdraw medication 3 days before slaughter following treatment at 3.5 mg/lb and 7 days before slaughter following treatment at 10.5 mg/lb of body weight. Swine being treated with tiamulin should not have access to feeds containing polyether ionophores (e.g., lasalocid, monensin, narasin, salinomycin, or semduramycin) as adverse reactions may occur. The effects of tiamulin on swine reproductive performance, pregnancy, and lactation have not been determined.

Dated: February 10, 2009.

Steven D. Vaughn,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.
[FR Doc. E9-3131 Filed 2-12-09; 8:45 am]

BILLING CODE 4160-01-S

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 4022

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

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: Pension Benefit Guaranty Corporation's regulation on Benefits Payable in Terminated Single-Employer Plans prescribes interest assumptions for valuing and paying certain benefits under terminating single-employer plans. This final rule amends the benefit payments regulation to adopt interest assumptions for plans with valuation dates in March 2009. Interest assumptions are also published on PBGC's Web site (<http://www.pbgc.gov>).

DATES: Effective March 1, 2009.

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: 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.

These interest assumptions are found in two PBGC regulations: The regulation on Benefits Payable in Terminated Single-Employer Plans (29 CFR part 4022) and the regulation on Allocation of Assets in Single-Employer Plans (29 CFR Part 4044). Assumptions under the asset allocation regulation are updated quarterly; assumptions under the benefit payments regulation are updated monthly. This final rule updates only the assumptions under the benefit payments regulation.

Two sets of interest assumptions are prescribed under the benefit payments regulation: (1) A set for PBGC to use to determine whether a benefit is payable as a lump sum and to determine lump-sum amounts to be paid by PBGC (found in Appendix B to Part 4022), and (2) a set for private-sector pension practitioners to refer to if they wish to