

before April 21, 2009. No comments were received. Therefore, for the reasons given in the interim final rule, we are adopting the interim final rule as a final rule, without change.

To view the interim final rule, go to <http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=AMS-FV-08-0105>.

This action also affirms information contained in the interim final rule concerning Executive Orders 12866 and 12988, the Paperwork Reduction Act (44 U.S.C. Chapter 35), and the E-Gov Act (44 U.S.C. 101).

After consideration of all relevant material presented, it is found that finalizing the interim final rule, without change, as published in the **Federal Register** (74 FR 7782, February 20, 2009) will tend to effectuate the declared policy of the Act.

#### List of Subjects in 7 CFR Part 932

Marketing agreements, Olives, Reporting and recordkeeping requirements.

#### PART 932—OLIVES GROWN IN CALIFORNIA—[AMENDED]

■ Accordingly, the interim final rule that amended 7 CFR part 932 and that was published at 74 FR 7782 on February 20, 2009, is adopted as final rule, without change.

Dated: July 28, 2009.

**Rayne Pegg,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. E9-18415 Filed 7-31-09; 8:45 am]

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#### DEPARTMENT OF AGRICULTURE

#### Animal and Plant Health Inspection Service

#### 9 CFR Part 145

[Docket No. APHIS-2007-0042]

RIN 0579-AC78

#### National Poultry Improvement Plan and Auxiliary Provisions; Technical Amendment

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

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

**SUMMARY:** In a final rule that was published in the **Federal Register** on April 1, 2009 (74 FR 14710-14719, Docket No. APHIS-2007-0042), and effective on May 1, 2009, we amended

the National Poultry Improvement Plan (the Plan) and its auxiliary provisions by providing new or modified sampling and testing procedures for Plan participants and participating flocks. In that final rule, we amended the U.S. Avian Influenza Clean program for multiplier meat-type chicken breeding flocks to require that 15 birds be tested to retain the classification, rather than 30. However, our amendatory instruction accomplishing this change also amended the program to require multiplier spent fowl to be tested within 15 days prior to movement to slaughter, rather than 30 days. We had intended to retain the 30-day requirement. This document corrects that error.

**DATES:** *Effective Date:* August 3, 2009.

**FOR FURTHER INFORMATION CONTACT:** Mr. Andrew R. Rhorer, Senior Coordinator, Poultry Improvement Staff, National Poultry Improvement Plan, Veterinary Services, APHIS, USDA, 1498 Klondike Road, Suite 101, Conyers, GA 30094-5104; (770) 922-3496.

#### SUPPLEMENTARY INFORMATION:

#### Background

In a final rule that was published in the **Federal Register** on April 1, 2009 (74 FR 14710-14719, Docket No. APHIS-2007-0042), and effective on May 1, 2009, we amended the National Poultry Improvement Plan (the Plan) and its auxiliary provisions by providing new or modified sampling and testing procedures for Plan participants and participating flocks. The regulations in 9 CFR parts 145, 146, and 147 contain the provisions of the Plan.

We amended the U.S. Avian Influenza Clean program for multiplier meat-type chicken breeding flocks in § 145.33(l) by reducing the sample of birds required to be tested from 30 to 15 and reducing the interval at which the sample must be tested from 180 to 90 days. As the 30-bird sample is referred to 4 times in paragraph (l), the amendatory instruction to accomplish this change indicated that the numeral “30” should be replaced each time it occurred in paragraph (l) with the numeral “15.” However, paragraph (l)(2)(i) of § 145.33 also contained a requirement that multiplier spent fowl be tested within 30 days prior to movement to slaughter. Thus, our amendatory instruction inadvertently changed that requirement to require testing of multiplier spent fowl 15 days prior to slaughter. We had intended to retain the 30-day requirement. This document corrects that error.

#### List of Subjects in 9 CFR Part 145

Animal diseases, Poultry and poultry products, Reporting and recordkeeping requirements.

■ Accordingly, we are amending 9 CFR part 145 as follows:

#### PART 145—NATIONAL POULTRY IMPROVEMENT PLAN FOR BREEDING POULTRY

■ 1. The authority citation for part 145 continues to read as follows:

**Authority:** 7 U.S.C. 8301-8317; 7 CFR 2.22, 2.80, and 371.4.

#### § 145.33 [Amended]

■ 2. In § 145.33, paragraph (l)(2)(i) is amended by removing the words “15 days” and adding the words “30 days” in their place.

Done in Washington, DC, this 27th day of July 2009.

**William H. Clay,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. E9-18485 Filed 7-31-09; 8:45 am]

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#### NUCLEAR REGULATORY COMMISSION

#### 10 CFR Part 26

[NRC-2002-0002]

RIN 3150-AF12

#### Fitness for Duty Programs

**AGENCY:** Nuclear Regulatory Commission.

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

**SUMMARY:** This document corrects a final rule appearing in the **Federal Register** on March 31, 2008 (73 FR 16965), that amended the Nuclear Regulatory Commission’s (NRC’s) regulations that govern fitness for duty programs. This document is necessary to correct erroneous language in the preamble and codified language of the final rule. These corrections include fixing typographical errors and cross-references, revising language in the preamble to clarify unintended discrepancies with the codified rule text, and making non-substantive changes to the rule text that do not modify any requirements in the final rule.

**DATES:** The correction is effective August 3, 2009, and is retroactively applicable to March 31, 2008.

**FOR FURTHER INFORMATION CONTACT:** Lynn Hall, Office of Nuclear Reactor