

TABLE 1.—Continued

	Date	Address	Electronic Address	Other Information
Second public meeting	November 5, 2009, from 1 p.m. to 5 p.m.	The Westin Peachtree Plaza Hotel, 210 Peachtree St., NW., Atlanta, GA 30303		
Advance registration	By October 26, 2009	We encourage you to use electronic registration if possible. <sup>1</sup>	<a href="http://www.fda.gov/Food/NewsEvents/WorkshopsMeetingsConferences/default.htm">http://www.fda.gov/Food/NewsEvents/WorkshopsMeetingsConferences/default.htm</a>	There is no registration fee for the public meetings. Early registration is recommended because seating is limited.
Request special accommodations due to a disability	By October 26, 2009	See <i>Contact Person</i>		

<sup>1</sup> You may also register via e-mail, mail, or fax. Please include your name, title, firm name, address, and phone and fax numbers in your registration information and send to: Deborah Harris, EDJ Associates, Inc., 11300 Rockville Pike, suite 1001, Rockville, MD 20852, 240-221-4326, FAX: 301-945-4295, e-mail: [fda-CFSAN\\_Registration@edjassociates.com](mailto:fda-CFSAN_Registration@edjassociates.com). Onsite registration will also be available at both meeting sites.

## II. Background

In the **Federal Register** of July 9, 2009 (74 FR 33030), FDA published a final rule, "Prevention of Salmonella Enteritidis in Shell Eggs During Production, Storage, and Transportation," that requires shell egg producers to implement measures to prevent SE from contaminating eggs on the farm and from further growth during storage and transportation, and requires these producers to maintain records concerning their compliance with the rule and to register with FDA. FDA took this action because SE is among the leading bacterial causes of foodborne illness in the United States, and shell eggs are a primary source of human SE infections. The final rule will reduce SE-associated illnesses and deaths by reducing the risk that shell eggs are contaminated with SE.

This document announces two public meetings as part of the agency's planned outreach initiatives regarding the final rule.

## III. Transcripts

Please be advised that as soon as a transcript is available, it will be accessible at <http://www.regulations.gov>. It may be viewed at the Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD. A transcript will also be available in either hardcopy or on CD-ROM, after submission of a Freedom of Information request. Written requests are to be sent to Division of Freedom of Information (HFI-35), Office of Management Programs, Food and Drug Administration, 5600 Fishers Lane, rm. 6-30, Rockville, MD 20857.

Dated: August 24, 2009.

**David Horowitz,**

*Assistant Commissioner for Policy.*

[FR Doc. E9-20856 Filed 8-28-09; 8:45 am]

**BILLING CODE 4160-01-S**

## DEPARTMENT OF THE TREASURY

### 31 CFR Part 32

#### RIN 1505-AC17

### Payments in Lieu of Low Income Housing Tax Credits

**AGENCY:** Office of the Fiscal Assistant Secretary, Treasury.

**ACTION:** Interim final rule.

**SUMMARY:** The Department of the Treasury is amending its policy regarding the time limitation within which State housing credit agencies must disburse funds received under section 1602 of the American Recovery and Reinvestment Tax Act of 2009. This change will allow States to disburse section 1602 funds to subawardees through December 31, 2011 under certain conditions.

**DATES:** This final rule is effective August 31, 2009. Comments must be received on or before September 30, 2009.

**ADDRESSES:** Treasury participates in the U.S. government's eRulemaking Initiative by publishing rulemaking information on <http://www.regulations.gov>. Regulations.gov offers the public the ability to comment on, search, and view publicly available rulemaking materials, including comments received on rules. Comments on this rule should be submitted using only the following methods:

*Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the

instructions on the Web site for submitting comments.

*Mail:* Ellen Neubauer, Fiscal Service, U.S. Department of the Treasury, 1500 Pennsylvania Ave., Washington, DC 20220. *Instructions:* All submissions received must include the agency name ("Fiscal Service") and the title of this rulemaking. In general, comments received will be published on Regulations.gov without change, including any business or personal information provided. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not enclose any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may also inspect and copy this interim rule at: Treasury Department Library, Freedom of Information Act (FOIA) Collection, Room 1428, Main Treasury Building, 1500 Pennsylvania Avenue, NW., Washington, DC 20220. Before visiting, you must call (202) 622-0990 for an appointment.

**FOR FURTHER INFORMATION CONTACT:** Ellen Neubauer, Program Manager, at (202) 622-0560 or at [ellen.neubauer@do.treas.gov](mailto:ellen.neubauer@do.treas.gov).

#### SUPPLEMENTARY INFORMATION:

### I. Background

Section 1602 of the American Recovery and Reinvestment Tax Act of 2009 (Act) (Pub. L. 111-5) (hereinafter Section 1602) allows State housing credit agencies to elect to receive payments in lieu of low-income housing credits under section 42 of the Internal Revenue Code. Payments must be used to make subawards to finance the construction or acquisition and rehabilitation of qualified low-income

buildings. The United States Department of the Treasury (Treasury) awards Section 1602 funds to State housing credit agencies in an amount equal to their low-income housing grant election amount which may not exceed a portion of the States' low-income housing tax credit ceiling for 2009.

Section 1602(d) of the Act requires that State housing credit agencies return to the Treasury funds not used to make subawards before January 1, 2011. The Terms and Conditions promulgated by the Treasury to govern the program require that any funds not disbursed before January 1, 2011, be returned to the Treasury. Upon further consideration Treasury has determined that this requirement is overly restrictive and may preclude funding of otherwise eligible projects that may not reach final completion by the end of 2010. This rule therefore changes this requirement. Under this rule set forth at 31 CFR part 32, State housing credit agencies are required to return to the Treasury any funds not used to make subawards by December 31, 2010. However, once a subaward has been made, a State can continue to disburse funds for the subaward through December 31, 2011, provided the project is at least 30 percent complete by the end of 2010.

## II. Procedural Analyses

### *Administrative Procedures Act*

This rule is being issued without prior public notice and comment because under 5 U.S.C. 553(b) and (d)(3) good cause exists to determine that prior notice and comment rulemaking is unnecessary and contrary to the public interest. The policy being implemented through this rule impacts procedural requirements imposed on State housing credit agencies that receive funds from the Federal government under Section 1602 and does not adversely affect the rights of the public. Additionally, delay in the effective date of this rule is contrary to the public interest because without clarity regarding the time period within which State housing credit agencies may disburse funds under the program, State housing credit agencies are unable to make decisions regarding which projects to fund thereby delaying the construction or rehabilitation of low-income housing.

### *Request for Comment on Plain Language*

Executive Order 12866 requires each agency in the Executive branch to write regulations that are simple and easy to understand. We invite comment on how to make the interim rule clearer. For example, you may wish to discuss: (1)

Whether we have organized the material to suit your needs; (2) whether the requirements of the rules are clear; or (3) whether there is something else we could do to make these rules easier to understand.

### *Regulatory Planning and Review*

The rule is a "significant regulatory action" as defined in Executive Order 12866. Accordingly, the rule has been reviewed by the Office of Management and Budget.

### *Regulatory Flexibility Act Analysis*

Because no notice of rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply.

### List of Subjects in 31 CFR Part 32

Low-income housing tax credits.

■ For the reasons set forth in the preamble, we add 31 CFR Part 32 to read as follows:

## PART 32—PAYMENTS IN LIEU OF LOW INCOME HOUSING TAX CREDITS

Sec.

32.1. Timing of disbursements.

**Authority:** Public Law 111–5.

### § 32.1 Timing of disbursements.

(a) State housing credit agencies that receive funds under section 1602 of Division B of the American Recovery and Reinvestment Tax Act of 2009 must make subawards to subawardees to finance the construction or acquisition and rehabilitation of low-income housing no later than December 31, 2010. Any funds that are not used to make subawards by December 31, 2010, must be returned to the Treasury by January 1, 2011.

(b) The requirement in subsection (a) above does not prevent State housing credit agencies from continuing to disburse funds to subawardees after December 31, 2010 provided:

(1) A subaward has been made to the subawardee on or before December 31, 2010;

(2) The subawardee has, by the close of 2010, paid or incurred at least 30 percent of the subawardee's total adjusted basis in land and depreciable property that is reasonably expected to be part of the low-income housing project; and

(3) Any funds not disbursed to the subawardee by December 31, 2011, must be returned to the Treasury by January 1, 2012.

Dated: August 19, 2009.

**Gary Grippo,**

*Acting Fiscal Assistant Secretary.*

[FR Doc. E9–20903 Filed 8–28–09; 8:45 am]

**BILLING CODE 4810–25–P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

### 32 CFR Part 199

[DoD–2008–HA–0007; RIN 0720–AB21]

### TRICARE; Reimbursement of Critical Access Hospitals (CAHs)

**AGENCY:** Office of the Secretary, Department of Defense.

**ACTION:** Final rule.

**SUMMARY:** This rule implements the statutory provisions that TRICARE payment methods for institutional care be determined to the extent practicable in accordance with the same reimbursement rules as those that apply to payments to providers of services of the same type under Medicare. This final rule implements a reimbursement methodology similar to that furnished to Medicare beneficiaries for services provided by critical access hospitals (CAHs).

**DATES:** *Effective Date:* This rule is effective December 1, 2009.

**FOR FURTHER INFORMATION CONTACT:** Ms. Martha M. Maxey, TRICARE Management Activity, Medical Benefits and Reimbursement Branch, telephone (303) 676–3627.

### SUPPLEMENTARY INFORMATION:

#### I. Introduction and Background

Hospitals are authorized TRICARE institutional providers under 10 U.S.C. Code 1079(j)(2) and (4). Under 10 U.S.C. 1079(j)(2), the amount to be paid to hospitals, skilled nursing facilities (SNFs), and other institutional providers under TRICARE, "shall be determined to the extent practicable in accordance with the same reimbursement rules as apply to payments to providers of services of the same type under Medicare." Under 32 CFR 199.14(a)(1)(ii)(D)(1) through (9) it specifically lists those hospitals that are exempt from the DRG-based payment system. CAHs are not listed as exempt, thereby making them subject to the DRG-based payment system. CAHs are not listed as excluded, because at the time this regulatory provision was written, CAHs were not a recognized entity.

Legislation enacted as part of the Balanced Budget Act (BBA) of 1997