

CFR 0.104, the Deputy Administrator hereby amends 21 CFR part 1308 as follows:

**PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES**

■ 1. The authority citation for 21 CFR part 1308 continues to read as follows:

**Authority:** 21 U.S.C. 811, 812, 871(b) unless otherwise noted.

■ 2. Section 1308.14 is amended in paragraph (c), by redesignating paragraphs (c)(23) through (c)(51) as paragraphs (c)(24) through (c)(52) and adding a new paragraph (c)(23) as follows:

**§ 1308.14 Schedule IV.**

\* \* \* \* \*  
(c) \* \* \*

(23) Fospropofol ..... 2138  
\* \* \* \* \*

Dated: September 28, 2009.

**Michele M. Leonhart,**  
*Deputy Administrator.*

[FR Doc. E9-23971 Filed 10-5-09; 8:45 am]

**BILLING CODE 4410-09-P**

**DEPARTMENT OF STATE**

**22 CFR Part 41**

[Public Notice: 6779]

**Visas: Documentation of Nonimmigrants Under the Immigration and Nationality Act, as Amended; Requirements for Aliens in Religious Occupations**

**AGENCY:** State Department.

**ACTION:** Final rule.

**SUMMARY:** To comply with the Department of Homeland Security regulation requiring sponsoring employers to file petitions for all aliens for whom R-1 nonimmigrant status is sought. This rule establishes the requirement that consular officers ensure that R-1 visa applicants have obtained an approved U.S. Citizenship and Immigration Services Form I-129 petition from the Department of Homeland Security before issuance of a visa.

**DATES:** This rule is effective October 6, 2009.

**FOR FURTHER INFORMATION CONTACT:** Lauren A. Prosnik, Legislation and Regulations Division, Visa Services, Department of State, 2401 E Street, NW., Room L-603D, Washington, DC 20520-0106, (202) 663-2951.

**SUPPLEMENTARY INFORMATION:**

**Why is the Department promulgating this rule?**

On November 26, 2008, the Department of Homeland Security (DHS) promulgated regulations requiring sponsoring employers to file petitions for all aliens for whom R-1 nonimmigrant status is sought. 73 FR 72276. As a result, the requirements for an R-1 nonimmigrant visa now include establishing that the applicant is the beneficiary of an approved petition. U.S. Citizenship and Immigration Services (USCIS) has implemented the petition requirement for nonimmigrant religious workers as a way to determine the bona fides of a petitioning religious organization located in the United States and to determine that a religious worker will be admitted to the United States to work for a specific religious organization at the request of that religious organization. This rule amends the Department regulations to ensure consistency with the regulations set forth by DHS.

**Regulatory Findings**

*Administrative Procedure Act*

This regulation involves a foreign affairs function of the United States and, therefore, in accordance with 5 U.S.C. 553(a)(1), is not subject to the rule making procedures set forth at 5 U.S.C. 553.

*Regulatory Flexibility Act/Executive Order 13272: Small Business*

Because this final rule is exempt from notice and comment rulemaking under 5 U.S.C. 553, it is exempt from the regulatory flexibility analysis requirements set forth at sections 603 and 604 of the Regulatory Flexibility Act (5 U.S.C. 603 and 604). Nonetheless, consistent with section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)), the Department certifies that this rule will not have a significant economic impact on a substantial number of small entities. This regulates individual aliens who seek consideration for R-1 nonimmigrant visas and does not affect any small entities, as defined in 5 U.S.C. 601(6).

*The Unfunded Mandates Reform Act of 1995*

Section 202 of the Unfunded Mandates Reform Act of 1995 (UFMA), Public Law 104-4, 109 Stat. 48, 2 U.S.C. 1532, generally requires agencies to prepare a statement before proposing any rule that may result in an annual expenditure of \$100 million or more 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.

*The Small Business Regulatory Enforcement Fairness Act of 1996*

This 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 adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based companies to compete with foreign based companies in domestic and import markets.

*Executive Order 12866*

The Department of State has reviewed this proposed rule to ensure its consistency with the regulatory philosophy and principles set forth in Executive Order 12866 and has determined that the benefits of this final regulation justify its costs. The Department does not consider this final rule to be an economically significant action within the scope of section 3(f)(1) of the Executive Order since it is not likely to have an annual effect on the economy of \$100 million or more or to adversely affect in a material way the economy, a sector of the economy, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities.

*Executive Orders 12372 and 13132: Federalism*

This regulation will not have substantial direct effects on the States, on the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government. Nor will the rule have federalism implications warranting the application of Executive Orders No. 12372 and No. 13132.

*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.

*Paperwork Reduction Act*

This rule does not impose information collection requirements under the provisions of the Paperwork Reduction Act, 44 U.S.C., Chapter 35.

**List of Subjects in 22 CFR Part 41**

Aliens, Foreign officials, Immigration, Nonimmigrants, Passports and Visas.

■ For the reasons stated in the preamble, the Department of State amends 22 CFR Part 41 as follows:

**PART 41—[AMENDED]**

■ 1. The authority citation for part 41 continues to read as follows:

**Authority:** 8 U.S.C. 1104; Public Law 105–277, 112 Stat. 2681–795 through 2681–801; 8 U.S.C.1185 note (section 7209 of Pub. L. 108–458, as amended by section 546 of Pub. L. 109–295).

■ 2. Revise § 41.58 to read as follows:

**§ 41.58 Aliens in religious occupations.**

(a) *Requirements for “R” classification.* An alien shall be classifiable under the provisions of INA 101(a)(15)(R) if:

(1) The consular officer is satisfied that the alien qualifies under the provisions of that section; and

(2) With respect to the principal alien, the consular officer has received official evidence of the approval by USCIS of a petition to accord such classification or the extension by USCIS of the period of authorized stay in such classification; or

(3) The alien is the spouse or child of an alien so classified and is accompanying or following to join the principal alien.

(b) *Petition approval.* The approval of a petition by USCIS does not establish that the alien is eligible to receive a nonimmigrant visa.

(c) *Validity of visa.* The period of validity of a visa issued on the basis of paragraph (a) to this section must not precede or exceed the period indicated in the petition, notification, or confirmation required in paragraph (a)(2) of this section.

(d) *Aliens not entitled to classification under INA 101(a)(15)(R).* The consular officer must suspend action on the alien’s application and submit a report to the approving USCIS office if the consular officer knows or has reason to believe that an alien applying for a visa under INA 101(a)(15)(R) is not entitled to the classification as approved.

Dated: September 24, 2009.

**Janice L. Jacobs,**

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

[FR Doc. E9–24089 Filed 10–5–09; 8:45 am]

**BILLING CODE 4710–06–P**

**DEPARTMENT OF THE TREASURY****Internal Revenue Service****26 CFR Part 54**

[TD 9457]

RIN 1545–BG71

**Employer Comparable Contributions to Health Savings Accounts Under Section 4980G, and Requirement of Return for Filing of the Excise Tax Under Section 4980B, 4980D, 4980E or 4980G; Correction**

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Correction to final regulations.

**SUMMARY:** This document contains corrections to final regulations that were published in the *Federal Register* on Tuesday, September 8, 2009, providing guidance on employer comparable contributions to Health Savings Accounts under the Internal Revenue Code (Code) as amended by the Tax Relief and Health Care Act of 2006. The final regulations also provide guidance relating to the manner and method of reporting and paying excise tax.

**FOR FURTHER INFORMATION CONTACT:** Mireille Khoury, (202) 622–6080 (not a toll free number).

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

The final regulations (TD 9457) that are the subject of these corrections are under section 4980 of the Internal Revenue Code. This document contains corrections to final regulations (TD 9457) that were published in the *Federal Register* on Tuesday, September 8, 2009 (74 FR 45994) providing guidance on employer comparable contributions to Health Savings Accounts under section 4980G of the Internal Revenue Code (Code) as amended by sections 302, 305, and 306 of the Tax Relief and Health Care Act of 2006. The final regulations also provide guidance relating to the manner and method of reporting and paying excise tax under sections 4980B, 4980D, 4980E and 4980G of the Code.

**Need for Correction**

As published, the final regulations (TD 9457) contain errors that may prove to be misleading and are in need of clarification.

**Correction of Publication**

Accordingly, the final regulations (TD 9457), that are the subject of FR Doc. E9–21225, are corrected as follows:

On page 46000, column 3, in the signature block, line 6, the language

“Assistant Secretary of the Treasury (Tax)” is corrected to read “Acting Assistant Secretary of the Treasury (Tax”.

**LaNita VanDyke,**

*Chief, Publications and Regulations Branch,  
Legal Processing Division, Associate Chief  
Counsel, Procedure and Administration.*

[FR Doc. E9–24004 Filed 10–5–09; 8:45 am]

**BILLING CODE 4830–01–P**

**DEPARTMENT OF THE INTERIOR****National Park Service****36 CFR Part 7**

RIN 1024–AD79

**Special Regulations; Areas of the National Park System**

**AGENCY:** National Park Service.

**ACTION:** Interim rule with request for comments.

**SUMMARY:** The National Park Service (NPS) is closing the historic residence of President of the United States Truman at the Harry S Truman National Historic Site to all public use through May 30, 2010. This action is necessary because the house is undergoing major repairs and restoration. All furniture and artifacts that are key to interpretive tours for the public will be removed for the project to protect them. The restoration and repair activities will also create conditions that are a hazard to the public health and safety. Closure of the home will allow completion of a process that will restore to original appearance and protect and conserve the historic home of President Truman and its contents.

**DATES:** *Effective Date:* October 6, 2009.

*Comment Date:* November 5, 2009.

**ADDRESSES:** You may submit comments, identified by the number 1024–AD79, by any of the following methods:

—*Federal rulemaking portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

—*Mail:* National Park Service, Larry Villalva, Superintendent, Harry S Truman National Historic Site, 223 North Main Street, Independence, MO 64050.

*Instructions:* All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this rulemaking. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

**FOR FURTHER INFORMATION CONTACT:** Superintendent Larry Villalva, at Harry