

Dated: March 11, 2009.

Carol Waller Pope,

Acting Chairman.

[FR Doc. E9-5694 Filed 3-18-09; 8:45 am]

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## DEPARTMENT OF AGRICULTURE

### Federal Crop Insurance Corporation

#### 7 CFR Parts 400, 407, 457

RIN 0563-AB73

#### General Administrative Regulations; Administrative Remedies for Non-Compliance; Correcting Amendments

**AGENCY:** Federal Crop Insurance Corporation, USDA.

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

**SUMMARY:** This document contains correcting amendments to the final regulations that were published December 18, 2008 (73 FR 76868-76891). These regulations pertain to Administrative Remedies for Non-Compliance and provide clarification of existing remedies.

**DATES:** *Effective Date:* March 19, 2009.

**FOR FURTHER INFORMATION CONTACT:** Cynthia Simpson, Director, Appeals, Litigation and Legal Liaison Staff, Risk Management Agency, United States Department of Agriculture, 1400 Independence Avenue, SW., Room 6603, Stop 0806, Washington, DC 20250, telephone (202) 720-0642.

#### SUPPLEMENTARY INFORMATION:

##### Background

The final regulation that is the subject of these correcting amendments was intended to add additional administrative remedies that are available as a result of the enactment of section 515(h) of the Federal Crop Insurance Act (Act) (7 U.S.C. 1515(h)), make such other changes as are necessary to implement the provisions of section 515(h) of the Act, and to clarify existing administrative remedies.

##### Need for Corrections

As published, the final regulation contained an error that may prove to be misleading and needs to be clarified.

On page 73 FR 76891 in § 407.9 item 22(a)(1) and § 457.8 item 27(e)(1)(i) the term "requirement of this title" is incorrect and should read "requirement of FCIC." Section 515(h) of the Act authorizes disqualification and the assessment of civil fine of persons who willfully and intentionally provide false or inaccurate information or fails to

comply with a requirement of FCIC. The term "requirement of this title" is confusing and provides no reference to a specific requirement.

#### List of Subjects in 7 CFR Parts 407 and 457

Administrative practice and procedures; Administrative remedies for non-compliance.

■ Accordingly, the 7 CFR part 407 and 457 is amended as follows:

■ 1. The authority citation for 7 CFR part 407 and 457 is revised to read as follows:

Authority: 7 U.S.C. 1506(l) and 1506(o).

#### PART 407—GROUP RISK PLAN OF INSURANCE REGULATIONS

■ 2. In § 407.9 amend item 22 by revising paragraph (a)(1) to read as follows:

##### § 407.9 Group risk plan common policy.

\* \* \* \* \*

##### 22. Remedial Sanctions

\* \* \* \* \*

##### (a) \* \* \*

(1) The amount of the pecuniary gain obtained as a result of the false or inaccurate information provided or the noncompliance with a requirement of FCIC; or

\* \* \* \* \*

#### PART 457—COMMON CROP INSURANCE REGULATIONS

■ 3. In § 457.8 amend item 27 by revising paragraph (e)(1)(i) to read as follows:

##### § 457.8 The application and policy.

\* \* \* \* \*

27. Concealment, Misrepresentation or Fraud.

\* \* \* \* \*

##### (e) \* \* \*

##### (1) \* \* \*

(i) The amount of the pecuniary gain obtained as a result of the false or inaccurate information provided or the noncompliance with a requirement of FCIC; or

\* \* \* \* \*

Signed in Washington, DC, on March 11, 2009.

William J. Murphy,

Acting Manager, Federal Crop Insurance Corporation.

[FR Doc. E9-5793 Filed 3-18-09; 8:45 am]

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 522

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

#### Implantation or Injectable Dosage Form New Animal Drugs; Tylosin

**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 Elanco Animal Health. The supplemental NADA provides for changing scientific nomenclature for a bovine pathogen on labeling for tylosin injectable solution.

**DATES:** This rule is effective March 19, 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](mailto:cindy.burnsteel@fda.hhs.gov).

**SUPPLEMENTARY INFORMATION:** Elanco Animal Health, A Division of Eli Lilly & Co., Lilly Corporate Center, Indianapolis, IN 46285, filed a supplement to NADA 12-965 for TYLAN (tylosin) Injection, an injectable solution used for the treatment of animal diseases associated with several bacterial pathogens. The supplemental NADA provides for changing a bovine pathogen name on product labeling. The supplemental NADA is approved as of February 24, 2009, and the regulations in 21 CFR 522.2640 and 522.2640a are 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(a)(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 522

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 522 is amended as follows:

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 522 continues to read as follows:

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

§ 522.2640 [Removed]

2. Remove § 522.2640.

§ 522.2640a [Redesignated as § 522.2640]

3. Redesignate § 522.2640a as § 522.2640.

§ 522.2640 [Amended]

4. In the newly redesignated § 522.2640, remove "injection" from the section heading; remove and reserve paragraph (c); and in paragraph (e)(1)(ii), remove "Corynebacterium pyogenes" both times it appears and in its place add "Arcanobacterium pyogenes".

Dated: March 13, 2009.

Steven D. Vaughn,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. E9-6009 Filed 3-18-09; 8:45 am]

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9441]

RIN 1545-B146

Section 482: Methods To Determine Taxable Income in Connection With a Cost Sharing Arrangement; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correcting amendment.

SUMMARY: This document contains a correction to a correcting amendment for final and temporary regulations (TD 9441) that were published in the Federal Register on Thursday, March 5, 2009 (74 FR 9570) providing further guidance and clarification regarding methods under section 482 to determine taxable income in connection with a cost sharing arrangement in order to

address issues that have arisen in administering the current regulations. The temporary regulations affect domestic and foreign entities that enter into cost sharing arrangements described in the temporary regulations.

DATES: This correction is effective March 19, 2009, and is applicable on January 5, 2009.

FOR FURTHER INFORMATION CONTACT: Kenneth P. Christman, (202) 435-5265 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final and temporary regulations that are the subject of this document are under sections 367 and 482 of the Internal Revenue Code.

Need for Correction

As published, final and temporary regulations (TD 9441) contains an error that may prove to be misleading and is in need of clarification.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Correction of Publication

Accordingly, 26 CFR part 1 is corrected by making the following correcting amendment:

PART 1—INCOME TAXES

Paragraph 1. The authority citation for part 1 continues to read in part as follows:

Authority: 26 U.S.C. 7805 \* \* \*

Par. 2. Section 1.482-0T is amended by removing and reserving the entry of § 1.482-7T(h)(3)(vi)(B) and revising the entry of § 1.482-7T(i)(6)(vi)(B) to read as follows:

§ 1.482-0T Outline of regulations under section 482 (temporary).

\* \* \* \* \*

§ 1.482-7T Methods to determine taxable income in connection with a cost sharing arrangement (temporary).

\* \* \* \* \*

(i) \* \* \*

(6) \* \* \*

(vi) \* \* \*

(B) Circumstances in which Periodic Trigger deemed not to occur.

\* \* \* \* \*

LaNita Van Dyke,

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

[FR Doc. E9-5950 Filed 3-18-09; 8:45 am]

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 54

[TD 9447]

RIN 1545-BG80

Automatic Contribution Arrangements; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction to final regulations.

SUMMARY: This document contains a correction to final regulations (TD 9447) that were published in the Federal Register on Tuesday, February 24, 2009 (74 FR 8200) relating to automatic contribution arrangements. These regulations affect administrators of, employers maintaining, participants in, and beneficiaries of section 401(k) plans and other eligible plans that include an automatic contribution arrangement.

DATES: This correction is effective on March 19, 2009, and is applicable on February 24, 2009.

FOR FURTHER INFORMATION CONTACT:

R. Lisa Mojiri-Azad, Dana Barry, or William D. Gibbs at (202) 622-3860 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of this document are under sections 401, 402, 411, 414, and 4979 of the Internal Revenue Code.

Need for Correction

As published, final regulations (TD 9447) contains an error that may prove to be misleading and is in need of clarification.

Correction of Publication

Accordingly, the publication of the final regulations (TD 9447), which was the subject of FR Doc. E9-3716, is corrected as follows:

On page 8206, column 1, in the preamble, under the paragraph heading "D. Permissible Withdrawal", fourth paragraph of the column, last line of the paragraph, the language "section 3405(a)." is corrected to read "section 3405(b)."

LaNita Van Dyke,

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

[FR Doc. E9-5952 Filed 3-18-09; 8:45 am]

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