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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. APHIS–2006–0149]

Karnal Bunt; Regulated Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule as final rule.

SUMMARY: We are adopting as a final rule, without change, an interim rule that amended the Karnal bunt regulations to remove certain areas or fields in Maricopa and Pinal Counties, AZ, and Archer, Baylor, Knox, McCulloch, San Saba, Throckmorton, and Young Counties, TX, from the list of regulated areas based on our determination that those fields or areas meet our criteria for release from regulation. The interim rule was necessary to relieve restrictions that are no longer necessary.

DATES: Effective on March 9, 2007, we are adopting as a final rule the interim rule published at 71 FR 67432–67436 on November 22, 2006.

FOR FURTHER INFORMATION CONTACT: Dr. Vedpal S. Malik, National Karnal Bunt Coordinator, Pest Detection and Management Programs, PPQ, APHIS, 4700 River Road, Unit 134, Riverdale, MD 20737–1231; (301) 734–3769.

SUPPLEMENTARY INFORMATION:

Background

In an interim rule [1] effective November 16, 2006, and published in the **Federal Register** on November 22, 2007 (71 FR 67432–67436, Docket No. APHIS–2006–0149), we amended the karnal bunt regulations contained in Subpart—Karnal Bunt (7 CFR 301.78 through 301.78–10) by removing certain areas or fields in Maricopa and Pinal Counties, AZ, and in Archer, Baylor, Knox, McCulloch, San Saba, Throckmorton and Young Counties, TX, from the list of regulated areas in § 301.89–3(g). That action was based on our determination that these fields or areas are eligible for release from regulation under the criteria in § 301.89–3(f). The interim rule relieved restrictions on fields within those areas that were no longer necessary. As a result of the interim rule, there are no longer any regulated areas in Archer, McCulloch, and San Saba Counties, TX, and the size of the regulated areas in each of the four remaining regulated Texas counties and in two of the three regulated Arizona counties has been reduced.

Comments on the interim rule were required to be received on or before January 22, 2007. We received two comments by that date. The comments were from a State agricultural agency and a wheat industry group. Both commenters supported the interim rule. Therefore, for the reasons given in the interim rule, we are adopting the interim rule as a final rule.

Note: In the preamble of the interim rule, the text of the economic analysis mistakenly stated that in 2004, Pinal County, AZ, was the largest contributor to the total U.S. wheat market of the deregulated counties. Throckmorton County, TX, was the largest contributor of the listed counties for that year. The information given in Table 2 for percentage shares of U.S. wheat production was correct.

This action also affirms the information contained in the interim rule concerning Executive Order 12866 and the Regulatory Flexibility Act, Executive Orders 12372 and 12988, and the Paperwork Reduction Act.

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

[1] To view the interim rule and the comments we received, go to *http://www.regulations.gov,* click on the ''Advanced Search'' tab, and select ''Docket Search.'' In the Docket ID field, enter APHIS–2006–0149, then click ''Submit.'' Clicking on the Docket ID link in the search results page will produce a list of all documents in the docket.

PART 301—DOMESTIC QUARANTINE NOTICES

■ Accordingly, we are adopting as a final rule, without change, the interim rule that amended 7 CFR part 301 and that was published at 71 FR 67432–67436 on November 22, 2006.

Done in Washington, DC, this 5th day of March 2007.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E7–4238 Filed 3–8–07; 8:45 am]

BILLING CODE 3410–34–P

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Parts 745 and 747

Share Insurance Appeals; Clarification of Enforcement Authority of the NCUA Board

AGENCY: National Credit Union Administration (NCUA).

ACTION: Final rule.

SUMMARY: NCUA is issuing a final rule to implement amendments to the Federal Credit Union Act (FCU Act) made by the Financial Services Regulatory Relief Act of 2006 (Reg Relief Act) enacted by Congress on October 13, 2006. This final rule amends NCUA's regulations to assure they are consistent with the statutory changes made by the Reg Relief Act. The final rule adopts the amendments as stated in the interim final rule issued in November 2006. It clarifies: That an appeal from a final NCUA Board decision regarding share insurance coverage shall be to the appropriate Federal District Court; that the NCUA Board may terminate the share insurance of any insured credit union for violation of any condition imposed by the Board in connection with any action on any application, notice, or other request by the credit union or an institution-affiliated party; and that Orders of Suspension, Prohibition and Removal issued by the NCUA Board remain effective against institution-affiliated parties regardless of whether they remain institution-affiliated parties at the time the Order is considered or issued.

DATES: The interim rule is adopted as final April 9, 2007.

FOR FURTHER INFORMATION CONTACT: John K. Ianno, Senior Trial Attorney, Office of General Counsel, at the above address *or telephone:* (703) 518–6540.

SUPPLEMENTARY INFORMATION: NCUA issued the interim rule published in the **Federal Register** on November 22, 2006 (71 FR 67439).

A. Overview of Comments Received

NCUA received three comment letters regarding the interim final rule. Two were from national credit union trade associations and a third was from a state credit union league.

In general, each of the commenters agreed with the proposed changes. Two letters requested that NCUA provide examples or issue guidelines to explain the circumstances under which the NCUA Board might undertake formal administrative action in order to terminate the insured status of a credit union. The Board does not believe it would be helpful to try and enumerate the various situations when it might conclude that it is necessary to institute a formal administrative action against a particular credit union. Experience indicates that each case tends to be fact specific. There are many variables that influence a decision on what an appropriate course of action would be to correct a specific problem. Generally the Board will begin a formal administrative action such as termination of insurance only after it has exhausted other informal attempts to correct problems that have been identified. These less formal mechanisms include but are not limited to: (1) Action items contained in a document of resolution; (2) letters of understanding and agreement; (3) preliminary warning letters; and (4) cease and desist orders.

One commenter asked that the NCUA Board clarify the effective date of the change in venue for insurance appeals. The Board notes that when enacting the Reg Relief Act Congress did not indicate what venue would be appropriate for pending insurance appeals. Neither the text of the statute nor its legislative history clearly indicates whether petitions for review that were pending in the Courts of Appeal before the Act's passage should be reviewed in the District Courts under the new provision or remain in the Courts of Appeal under the old. Because there is no statutory provision that would allow a Court of Appeals to transfer a pending insurance appeal filed prior to the October 13, 2006 enactment of the statute, the Board believes that such cases should remain in the Court of Appeals. Venue for appeals of NCUA Board insurance determinations filed on or after that date shall be filed in the appropriate U.S. district court.

B. Insurance Appeals

The Reg Relief Act amended section 207(d) of the FCU Act, which addresses the resolutions of disputes relating to any claim for insurance coverage. 12 U.S.C. 1787(d). The final rule amends the provision in NCUA's regulations, 12 CFR 745.203(c), that sets forth the appropriate venue for seeking judicial review of a final determination by the Board relating to a claim for insurance coverage.

The current regulation provides for judicial review by the United States Court of Appeals for the District of Columbia or the court of appeals for the Federal circuit where the credit union's principal place of business is located. The final rule revises the regulation to reflect the statutory change that a final agency determination by the Board on a claim for insurance coverage is reviewable by the United States district court for the Federal judicial district where the principle place of business of the credit union is located.

C. Expansion of Enforcement Authority

The Reg Relief Act amended three provisions of Section 206 of the FCU Act, 12 U.S.C. 1786, to broaden the NCUA Board's authority to take enforcement actions for violations of conditions imposed in any action on any application, notice, or other request by a credit union or an institution-affiliated party. Such violations can serve as a basis for cease and desist orders, removal and prohibition orders, and civil money penalties. Previously such enforcement actions could only be taken upon a violation of conditions imposed in ''the granting of any application or other request by the credit union.'' The amendments to Sections 747.1 and 202 of NCUA's Regulations conform the language of the regulation to that of the FCU Act as amended.

D. Clarification of Suspension, Prohibition and Removal Authority

The Reg Relief Act amended Section 206(i)(1) of the FCU Act, 12 U.S.C. 1786(i)(1) to clarify the NCUA Board's authority to issue Orders against institution-affiliated parties regardless of whether they remain institution-affiliated parties of a credit union when the Order is considered or issued. The new statutory language makes clear that the NCUA Board has the authority to issue the Order even if the subject is no longer affiliated with the institution. The amendments to Sections 747.303 and 304 of NCUA's Regulations conform the language of the regulation to that of the FCU Act as amended.

Regulatory Procedures

Regulatory Flexibility Act

The Regulatory Flexibility Act requires NCUA to prepare an analysis to describe any significant economic impact a rule may have on a substantial number of small credit unions, defined as those under ten million dollars in assets. This rule clarifies NCUA's enforcement authority and identifies the appropriate venue for appeals of final share insurance determinations. It does not impose any additional regulatory burden. The interim final amendments will not have a significant economic impact on a substantial number of small credit unions, and, therefore, a regulatory flexibility analysis is not required.

Paperwork Reduction Act

NCUA has determined that the interim final rule would not increase paperwork requirements under the Paperwork Reduction Act of 1995 and regulations of the Office of Management and Budget. 44 U.S.C. 3501 *et seq.*; 5 CFR part 1320.

Executive Order 13132

Executive Order 13132 encourages independent regulatory agencies to consider the impact of their actions on state and local interests. In adherence to fundamental federalism principles, NCUA, an independent regulatory agency as defined in 44 U.S.C. 3502(5), voluntarily complies with the executive order. The final rule will not have substantial direct effects on the states, on the connection between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. NCUA has determined that this rule does not constitute a policy that has federalism implications for purposes of the executive order.

The Treasury and General Government Appropriations Act, 1999—Assessment of Federal Regulations and Policies on Families

The NCUA has determined that this final rule will not affect family well-being within the meaning of section 654 of the Treasury and General Government Appropriations Act, 1999, Pub. L. 105–277, 112 Stat. 2681 (1998).

Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act of 1996, Pub. L. 104–121 (SBREFA), provides

generally for congressional review of agency rules. A reporting requirement is triggered in instances where NCUA issues a final rule as defined by Section 551 of the APA. 5 U.S.C. 551. NCUA has requested a SBREFA determination from the Office of Management and Budget, which is pending. As required by SBREFA, NCUA will file the appropriate reports with Congress and the General Accounting Office so that the final rule may be reviewed.

List of Subjects

12 CFR Part 745

Credit unions, Share insurance.

12 CFR Part 747

Administrative practice and procedure, Bank deposit insurance, Claims, Credit unions, Equal access to justice, Investigations, Lawyers, Penalties.

■ Accordingly, NCUA adopts as final the interim rule amending 12 CFR parts 745 and 747.

By the National Credit Union Administration Board on March 1, 2007.

Mary F. Rupp,

Secretary of the Board.

[FR Doc. E7–4225 Filed 3–8–07; 8:45 am]

BILLING CODE 7535–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 520

Oral Dosage Form New Animal Drugs; Fenbendazole Paste

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 two supplemental new animal drug applications (NADAs) filed by Intervet, Inc. The supplemental NADAs provide for a revised human food safety warning for fenbendazole paste, used for the control of various internal parasites in horses and cattle.

DATES: This rule is effective March 9, 2007.

FOR FURTHER INFORMATION CONTACT: Melanie R. Berson, Center for Veterinary Medicine (HFV–110), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301 827 7540, e-mail: *melanie.berson@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: Intervet, Inc., P.O. Box 318, 29160 Intervet Lane, Millsboro, DE 19966, filed a supplement to NADA 120–648 that provides for use of PANACUR (fenbendazole) Paste in horses for the control of various internal parasites, and to NADA 132–872 that provides for use of SAFE-GUARD (fenbendazole) Paste in cattle for the control of various internal parasites. The supplemental NADAs provide for a revised human food safety warning on product labeling. The supplemental NADAs are approved as of February 8, 2007, and the regulations are amended in 21 CFR 520.905c to reflect the approval and a current format.

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

FDA has determined under 21 CFR 25.33 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 the 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. Amend § 520.905c as follows:
■ a. Revise paragraph (a);
■ b. Redesignate paragraph (d) as paragraph (e);
■ c. Add new paragraph (d); and
■ d. Revise newly redesignated paragraph (e).

The revisions, redesignation, and addition read as follows:

§ 520.905c Fenbendazole paste.

(a) *Specifications.* Each gram of paste contains 100 milligrams (mg) fenbendazole (10 percent).

* * * * *

(d) *Special considerations.* See § 500.25 of this chapter.

(e) *Conditions of use*—(1) *Horses*—(i) *Indications for use and amounts*—(A) For control of large strongyles (*Strongylus edentatus*, *S. equinus*, *S. vulgaris*), small strongyles, pinworms (*Oxyuris equi*), and ascarids (*Parascaris equorum*): 2.3 mg per pound (/lb) of body weight, or for foals and weanlings (less than 18 months of age), 4.6 mg/lb of body weight. Retreatment at intervals of 6 to 8 weeks may be required.

(B) For control of arteritis caused by the fourth-stage larvae of *S. vulgaris*: 4.6 mg/lb of body weight daily for 5 days. Treatment should be initiated in the spring and repeated in 6 months.

(C) For treatment of encysted mucosal cyathostome (small strongyle) larvae including early third-stage (hypobiotic), late third-stage, and fourth-stage larvae: 4.6 mg/lb of body weight daily for 5 consecutive days.

(D) Fenbendazole paste 10 percent may be used concomitantly with approved forms of trichlorfon for the indications provided in paragraph (e)(1)(i)(A) of this section and for treating infections of stomach bots as provided in § 520.2520.

(ii) *Limitations.* Do not use in horses intended for human consumption.

(2) *Cattle*—(i) *Amount.* 2.3 mg/lb of body weight. Re-treatment may be needed after 4 to 6 weeks.

(ii) *Indications for use.* For the removal and control of lungworms (*Dictyocaulus viviparus*), stomach worms (*Haemonchus contortus*, *Ostertagia ostertagi*, *Trichostrongylus axei*), and intestinal worms (*Bunostomum phlebotomum*, *Nematodirus helvetianus*, *Cooperia punctata*, *C. oncophora*, *Trichostrongylus colubriformis*, and *Oesophagostomum radiatum*).

(iii) *Limitations.* Cattle must not be slaughtered within 8 days following last treatment.

Dated: February 28, 2007.

Steven D. Vaughn,

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

[FR Doc. E7–4204 Filed 3–8–07; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 520

Oral Dosage Form New Animal Drugs; Oxfendazole Suspension

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the