

(e)(5), (e)(6), (e)(7), and (e)(8), respectively, and adding new paragraph (e)(4).

8. Revising the heading for paragraph (h)(2) and adding a sentence at the end of the paragraph.

The additions and revisions read as follows:

**§ 1.45D-1 New markets tax credit.**

- (a) \* \* \*
- (e) \* \* \*
- (4) Section 708(b)(1)(B) termination.  
\* \* \* \* \*
- (h) \* \* \*
- (2) Exception for certain provisions.  
\* \* \* \* \*
- (d) \* \* \*
- (6) \* \* \*
- (i) \* \* \* Except as provided in paragraph (d)(6)(ii) of this section, an entity is treated as a qualified active low-income community business for the duration of the qualified community development entity's (CDE's) investment in the entity if the CDE reasonably expects, at the time the CDE makes the capital or equity investment in, or loan to, the entity, that the entity will satisfy the requirements to be a qualified active low-income community business under paragraphs (d)(4)(i) and (d)(5) of this section (including, if applicable, portions of business under paragraph (d)(4)(iii) of this section) throughout the entire period of the investment or loan. A CDE may rely on this paragraph (d)(6)(i) to treat an entity as a qualified active low-income community business even if the CDE's investment in or loan to the entity is made through other CDEs under paragraph (d)(1)(iv)(A) of this section.
- (e) \* \* \*
- (3) \* \* \*
- (iii) *Capital interest in a partnership.* In the case of an equity investment that is a capital interest in a CDE that is a partnership for Federal tax purposes, a pro rata cash distribution by the CDE to its partners based on each partner's

capital interest in the CDE during the taxable year will not be treated as a redemption for purposes of paragraph (e)(2)(iii) of this section if the distribution does not exceed the sum of the CDE's "operating income" for the taxable year and the CDE's undistributed "operating income" (if any) for the prior taxable year. For purposes of this paragraph (e)(3)(iii), § 1.704-1(b)(1)(vii) applies to treat an allocation to a partner of its share of partnership net or "bottom line" taxable income or loss as an allocation to such partner of the same share of each item of income, gain, loss, and deduction that is taken into account in computing the partner's net or "bottom line" taxable income or loss. In addition, a non-pro rata "de minimis" cash distribution by a CDE to a partner or partners during the taxable year will not be treated as a redemption. A non-pro rata "de minimis" cash distribution may not exceed the lesser of 5 percent of the CDE's "operating income" for that taxable year or 10 percent of the partner's capital interest in the CDE. For purposes of this paragraph (e)(3)(iii), with respect to any taxable year, "operating income" is the sum of:

- \* \* \* \* \*
- (B) Tax-exempt income under section 103;  
\* \* \* \* \*
- (D) Deductions under sections 167 and 168, including the additional first-year depreciation under section 168(k), and any other depreciation and amortization deductions under the Code;  
\* \* \* \* \*
- (e) \* \* \*
- (4) *Section 708(b)(1)(B) termination.* A termination under section 708(b)(1)(B) of a CDE that is a partnership is not a recapture event.  
\* \* \* \* \*
- (h) \* \* \*
- (2) *Exception for certain provisions.*  
\* \* \* Paragraph (d)(6)(i) of this section

as it relates to a CDE's investment under paragraph (d)(1)(iv)(A), paragraph (e)(3)(iii) of this section as it relates to the distribution of undistributed "operating income" for the prior taxable year and to the application of § 1.704-1(b)(1)(vii), paragraph (e)(3)(iii)(B) of this section, paragraph (e)(3)(iii)(D) of this section as it relates to any other depreciation and amortization deductions under the Code, and paragraph (e)(4) of this section apply to taxable years ending on or after the date of publication of the Treasury decision adopting these rules as final regulation in the **Federal Register**.

**Linda E. Stiff,**  
*Deputy Commissioner for Services and Enforcement.*  
[FR Doc. E8-18442 Filed 8-8-08; 8:45 am]  
**BILLING CODE 4830-01-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Centers for Medicare & Medicaid Services**

**42 CFR Parts 410 and 419**

[CMS-1404-P]

RIN 0938-AP17

**Medicare Program: Proposed Changes to the Hospital Outpatient Perspective Payment System and CY 2009 Payment Rates; Proposed Changes to the Ambulatory Surgical Center Payment System and CY 2009 Payment Rates**

*Correction*

In proposed rule document E8-15539 beginning on page 41416 in the issue of Friday, July 18, 2008, make the following correction:

On pages 41504 through 41505, Table 30 should be replaced to appear as follows:

**BILLING CODE 4120-01-D**

**TABLE 30.--PROPOSED CY 2009 DRUG ADMINISTRATION APCs**

Proposed CY 2009 APC	Proposed CY 2009 APC Median Cost	HCPCS Code	Long Descriptor
0436	\$24.98	90471	Immunization administration (includes percutaneous, intradermal, subcutaneous, or intramuscular injections); one vaccine (single or combination vaccine/toxoid)
		90472	Immunization administration (includes percutaneous, intradermal, subcutaneous, or intramuscular injections); each additional vaccine (single or combination vaccine/toxoid)(List separately in addition to code for primary procedure)
		90473	Immunization administration by intranasal or oral route; one vaccine (single or combination vaccine/toxoid)
		90474	Immunization administration by intranasal or oral route; each additional vaccine (single or combination vaccine/toxoid) (List separately in addition to code for primary procedure)
		90761	Intravenous infusion, hydration; each additional hour (List separately in addition to code for primary procedure)
		90766	Intravenous infusion, for therapy, prophylaxis, or diagnosis (specify substance or drug); each additional hour (List separately in addition to code for primary procedure)
		90771	Subcutaneous infusion for therapy or prophylaxis (specify substance or drug); additional pump set-up with establishment of new subcutaneous infusion site(s) (List separately in addition to code for primary procedure)
		90772	Therapeutic, prophylactic or diagnostic injection (specify substance or drug); subcutaneous or intramuscular
		90779	Unlisted therapeutic, prophylactic or diagnostic intravenous or intra-arterial injection or infusion
		95115	Professional services for allergen immunotherapy not including provision of allergenic extracts; single injection
		95117	Professional services for allergen immunotherapy not including provision of allergenic extracts; two or more injections
		95145	Professional services for the supervision of preparation and provision of antigens for allergen immunotherapy (specify number of doses); single stinging insect venom

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Proposed CY 2009 APC	Proposed CY 2009 APC Median Cost	HCPCS Code	Long Descriptor
			immunotherapy; single or multiple antigens (specify number of doses)
		95170	Professional services for the supervision of preparation and provision of antigens for allergen immunotherapy; whole body extract of biting insect or other arthropod (specify number of doses)
		96549	Unlisted chemotherapy procedure
		G0008	Administration of influenza virus vaccine
		G0009	Administration of pneumococcal vaccine
0437	\$36.59	90767	Intravenous infusion, for therapy, prophylaxis, or diagnosis (specify substance or drug); additional sequential infusion, up to 1 hour (List separately in addition to code for primary procedure)
		90770	Subcutaneous infusion for therapy or prophylaxis (specify substance or drug); each additional hour (List separately in addition to code for primary procedure)
		90773	Therapeutic, prophylactic or diagnostic injection (specify substance or drug); intra-arterial
		90774	Therapeutic, prophylactic or diagnostic injection (specify substance or drug); intravenous push, single or initial substance/drug
		90775	Therapeutic, prophylactic or diagnostic injection (specify substance or drug); each additional sequential intravenous push of a new substance/drug (List separately in addition to code for primary procedure)
		95144	Professional services for the supervision of preparation and provision of antigens for allergen immunotherapy, single dose vial(s) (specify number of vials)
		95148	Professional services for the supervision of preparation and provision of antigens for allergen immunotherapy (specify number of doses); four single stinging insect venoms
		96401	Chemotherapy administration, subcutaneous or intramuscular; non-hormonal anti-neoplastic
		96402	Chemotherapy administration, subcutaneous or intramuscular; hormonal anti-neoplastic
		96405	Chemotherapy administration; intralesional, up to and including 7 lesions
		96415	Chemotherapy administration, intravenous infusion technique; each additional hour (List separately in addition to code for primary procedure)
0438	\$74.19	90760	Intravenous infusion, hydration; initial, 31 minutes to 1 hour
		90769	Subcutaneous infusion for therapy or prophylaxis (specify substance or drug); initial, up to one hour,

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Proposed CY 2009 APC	Proposed CY 2009 APC Median Cost	HCPSC Code	Long Descriptor
			including pump set-up and establishment of subcutaneous infusion site(s)
		95146	Professional services for the supervision of preparation and provision of antigens for allergen immunotherapy (specify number of doses); two single stinging insect venoms
		95147	Professional services for the supervision of preparation and provision of antigens for allergen immunotherapy (specify number of doses); three single stinging insect venoms
		96406	Chemotherapy administration; intralesional, more than 7 lesions
		96411	Chemotherapy administration; intravenous, push technique, each additional substance/drug (List separately in addition to code for primary procedure)
		96417	Chemotherapy administration, intravenous infusion technique; each additional sequential infusion (different substance/drug), up to 1 hour (List separately in addition to code for primary procedure)
		96423	Chemotherapy administration, intra-arterial; infusion technique, each additional hour (List separately in addition to code for primary procedure)
0439	\$126.58	90765	Intravenous infusion, for therapy, prophylaxis, or diagnosis (specify substance or drug); initial, up to 1 hour
		95149	Professional services for the supervision of preparation and provision of antigens for allergen immunotherapy (specify number of doses); five single stinging insect venoms
		96409	Chemotherapy administration; intravenous, push technique, single or initial substance/drug
		96420	Chemotherapy administration, intra-arterial; push technique
		96522	Refilling and maintenance of implantable pump or reservoir for drug delivery, systemic (eg, intravenous, intra-arterial)
		96542	Chemotherapy injection, subarachnoid or intraventricular via subcutaneous reservoir, single or multiple agents
0440	\$190.72	95990	Refilling and maintenance of implantable pump or reservoir for drug delivery, spinal (intrathecal, epidural) or brain (intraventricular)
		95991	Refilling and maintenance of implantable pump or reservoir for drug delivery, spinal (intrathecal, epidural) or brain (intraventricular); administered by a physician
		96413	Chemotherapy administration, intravenous infusion technique; up to 1 hour, single or initial

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Proposed CY 2009 APC	Proposed CY 2009 APC Median Cost	HCPCS Code	Long Descriptor
			substance/drug
		96416	Chemotherapy administration, intravenous infusion technique; initiation of prolonged chemotherapy infusion (more than 8 hours), requiring use of a portable or implantable pump
		96422	Chemotherapy administration, intra-arterial; infusion technique, up to one hour
		96425	Chemotherapy administration, intra-arterial; infusion technique, initiation of prolonged infusion (more than 8 hours), requiring the use of a portable or implantable pump
		96440	Chemotherapy administration into pleural cavity, requiring and including thoracentesis
		96445	Chemotherapy administration into peritoneal cavity, requiring and including peritoneocentesis
		96450	Chemotherapy administration, into CNS (eg, intrathecal), requiring and including spinal puncture
		96521	Refilling and maintenance of portable pump
		C8957	Intravenous infusion for therapy/diagnosis; initiation of prolonged infusion (more than eight hours), requiring use of portable or implantable pump

[FR Doc. Z8-15539 Filed 8-8-08; 8:45 am]  
BILLING CODE 4120-01-C

## GENERAL SERVICES ADMINISTRATION

### 48 CFR Part 513

[GSAR Case 2007-G502; Docket 2008-0007;  
Sequence 16]

RIN 3090-A167

### General Services Acquisition Regulation; GSAR Case 2007-G502; Rewrite of GSAR Part 513, Simplified Acquisition Procedures

#### Correction

In proposed rule document E8-17549 beginning on page 44955 in the issue of Friday, August 1, 2008, make the following correction:

#### PART 513- [Removed]

On page 44956, in the third column, in the last line, the part heading should appear as shown above.

[FR Doc. Z8-17549 Filed 8-8-08; 8:45 am]  
BILLING CODE 1505-01-D

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 600

[Docket No. 071001548-7287-02]

RIN 0648-AW10

### Marine Recreational Fisheries of the United States; National Saltwater Angler Registry Program

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Proposed rule; extension of comment period.

**SUMMARY:** NMFS extends the comment period on the proposed rule to establish the National Saltwater Angler Registry Program. NMFS has received a request from the Gulf of Mexico Fishery Management Council to extend the deadline beyond its current 60-day comment period until a date following the Council's August 11-15 meeting. The extension of the comment period for ten days will allow the Council to adopt comments during its meeting and to submit them before the comment

period closes, and will allow other interested parties additional time to submit comments. The comment deadline is extended from August 11, 2008, to August 21, 2008.

**DATES:** Comments must be received on or before August 21, 2008.

**ADDRESSES:** You may submit comments, identified by RIN 0648-AW10, by any of the following methods:

- Electronic submissions: Submit all electronic public comments via the Federal eRulemaking Portal <http://www.regulations.gov>

- Fax: 301-713-1875, Attn: Gordon Colvin.

- Mail: John Boreman, Director, Office of Science and Technology, NMFS, 1315 East-West Highway, Silver Spring, MD 20910, Attn: Gordon Colvin.

Instructions: All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. All personal identifying information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information. NMFS will accept anonymous comments (enter N/A in the required fields, if you wish to