

registration information, in writing, to the Good Clinical Practice Program (HF-34), Office of Science and Health Coordination, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

(e) *How does an IRB revise its registration information?* If an IRB's contact or chair person information changes, the IRB must revise its registration information by submitting any changes in that information within 90 days of the change. An IRB's decision to review new types of FDA-regulated products (such as a decision to review studies pertaining to food additives whereas the IRB previously reviewed studies pertaining to drug products), or to discontinue reviewing clinical investigations regulated by FDA is a change that must be reported within 30 days of the change. An IRB's decision to disband is a change that must be reported within 30 days of permanent cessation of the IRB's review of research. All other information changes may be reported when the IRB renews its registration. The revised information must be sent to FDA either electronically or in writing in accordance with paragraph (d) of this section.

Dated: January 7, 2009.

**Jeffrey Shuren,**

*Associate Commissioner for Policy and Planning.*

[FR Doc. E9-682 Filed 1-14-09; 8:45 am]

**BILLING CODE 4160-01-S**

## DEPARTMENT OF STATE

### 22 CFR Part 42

[Public Notice: 6457]

RIN 1400-AB84

#### **Visas: Documentation of Immigrants Under the Immigration and Nationality Act, as Amended: Electronic Petition for Diversity Immigrant Status**

**AGENCY:** State Department.

**ACTION:** Final rule.

**SUMMARY:** This rule makes final an interim rule published in the **Federal Register** on August 18, 2003, amending the Department's regulations pertaining to the manner in which aliens may petition for the opportunity to participate in the Diversity Visa Program. The rule changed the standard mail-in system previously used to an entirely electronic system for the purpose of making the process less prone to fraud, improve efficiency and significantly reduce the processing costs to the Government.

**DATES: Effective Date:** This rule is effective on January 15, 2009.

**FOR FURTHER INFORMATION CONTACT:** Lauren Prosnik, Legislation and Regulations Division, Visa Services, Department of State, Washington, DC 20520-0106, (202) 663-1202, e-mail ([prosnikla@state.gov](mailto:prosnikla@state.gov)).

#### **SUPPLEMENTARY INFORMATION:**

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

The Department published an interim rule, Public Notice 4446 at 68 FR 49353, Aug. 18, 2003, with a request for comments. The comment period expired on October 17, 2003. No public comments were received during the comment period.

#### **What did the rule do?**

The rule amended the Department's regulations at 22 CFR 42.33 to establish an entirely electronic system utilizing a specifically designated Internet Web site, by which aliens can petition for the opportunity to participate in the Diversity Visa Program.

#### **Why was the petitioning process changed?**

There are three main benefits to changing the mail-in process to an electronic format. First, it helps eliminate multiple applications, prohibited under INA Section 204(a)(1)(I). Secondly, it greatly reduces the cost of administering the system. Finally, it benefits the petitioners by immediately notifying them of the receipt of the petition, impossible under the mail-in system.

#### **PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED**

■ Accordingly, the interim rule amending 22 CFR part 42 which was published at 68 FR 49353 on August 18, 2003, is adopted as final without change.

Dated: January 2, 2009.

**Janice L. Jacobs,**

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

[FR Doc. E9-698 Filed 1-14-09; 8:45 am]

**BILLING CODE 4710-06-P**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### 24 CFR Parts 203 and 3500

[Docket No. FR-5180-F-04]

RIN 2502-AI61

#### **Real Estate Settlement Procedures Act (RESPA): Rule To Simplify and Improve the Process of Obtaining Mortgages and Reduce Consumer Settlement Costs; Deferred Applicability Date for the Revised Definition of "Required Use"**

**AGENCY:** Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

**ACTION:** Final rule.

**SUMMARY:** This final rule delays the effective date of the definition of "required use" as revised by HUD's November 17, 2008, final rule amending its RESPA regulations. The November 17, 2008, final rule provides that the revised definition is applicable commencing January 16, 2009, the effective date of the final rule. As a result of recently initiated litigation, HUD has determined to delay the effective date of the revised definition of "Required use" until April 16, 2009.

**DATES:** This correction is effective January 16, 2009. The definition of "Required use" in § 3500.2, as revised by HUD's final rule published on November 17, 2008, at 73 FR 68204, is delayed until April 16, 2009.

**FOR FURTHER INFORMATION CONTACT:** Ivy Jackson, Director, or Barton Shapiro, Deputy Director, Office of RESPA and Interstate Land Sales, Office of Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 9158, Washington, DC 20410-8000; telephone 202-708-0502 (this is not a toll-free telephone number). Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Information Relay Service at 800-877-8339.

**SUPPLEMENTARY INFORMATION:** On November 17, 2008 (73 FR 68204), HUD published a final rule amending its regulations to further the purposes of the Real Estate Settlement Procedures Act (12 U.S.C. 2601-2617) by requiring more timely and effective disclosures related to mortgage settlement costs for federally related mortgage loans to consumers. The final rule followed publication of a March 14, 2008, proposed rule (73 FR 14030) and made changes in response to public comment and in further consideration of certain issues by HUD. Additional information

regarding the regulatory amendments, and the changes made by HUD at the final rule stage, is provided in the preamble to the November 17, 2008, final rule.

The effective date of the November 17, 2008, final rule is January 16, 2009. However, the final rule provides for an appropriate transition period for certain requirements. Other provisions are to be implemented upon the effective date of the final rule.

Among those regulatory changes to be implemented upon the effective date of January 16, 2009, is the revised definition of the term “*Required use*.” This amendment has become the subject of recently initiated litigation. (*National Association of Home Builders, et al. v. Steve Preston, et al.*, Civ. Action No. 08-CV-1324, United States District Court for the Eastern District of Virginia, Alexandria Division.) For reasons related to the proper litigation of this case, HUD is issuing this final rule to delay the effective date of the revised definition of “*Required use*” for an additional 90 days until April 16, 2009.

In general, HUD publishes a rule for public comment before issuing a rule for effect, in accordance with its own regulations on rulemaking at 24 CFR part 10. Part 10, however, does provide in § 10.1 for exceptions from that general rule where HUD finds good cause to omit advance notice and public participation. The Department finds that good cause exists to publish this final rule for effect without first soliciting public comment as public comment is impracticable, given the litigation schedule established by the court.

■ Accordingly, HUD’s final rule published on November 17, 2008 at 73 FR 68204 (Docket No. FR 5180-F-03, FR Doc. E8-27070) is corrected as follows:

■ 1. On page 68239, beginning in the first column, § 3500.1(b)(1) is corrected to read as follows:

**§ 3500.1 Designation and applicability.**

\* \* \* \* \*

(b) \* \* \*

(1) The definition of *Required use* in § 3500.2 is applicable commencing on April 16, 2009; §§ 3500.8(b), 3500.17, 3500.21, 3500.22 and 3500.23, and Appendices E and MS-1 are applicable commencing January 16, 2009.

\* \* \* \* \*

Dated: January 9, 2009.

**Brian D. Montgomery,**

*Assistant Secretary for Housing-Federal Housing Commissioner.*

[FR Doc. E9-852 Filed 1-14-09; 8:45 am]

BILLING CODE 4210-67-P

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 301

[TD 9443]

RIN 1545-BG16

#### Postponement of Certain Tax-Related Deadlines by Reason of a Federally Declared Disaster or Terroristic or Military Action

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

**ACTION:** Final regulation.

**SUMMARY:** This document contains final regulations relating to postponement of certain tax-related deadlines either due to service in a combat zone or due to a federally declared disaster. The regulations reflect changes in the law made by the Victims of Terrorism Tax Relief Act of 2001, the Tax Extenders and Alternative Minimum Tax Relief Act of 2008 (TEAMTRA), and current IRS practice. The regulations affect taxpayers serving in a combat zone and taxpayers affected by a federally declared disaster.

**DATES:** *Effective Date:* These regulations are effective on January 15, 2009.

*Applicability Dates:* For dates of applicability, see § 301.7508A-1(g).

**FOR FURTHER INFORMATION CONTACT:** Mary Ellen Keys, (202) 622-4570 (not a toll-free number).

#### SUPPLEMENTARY INFORMATION:

##### Background

This document contains amendments to the Procedure and Administration Regulations (26 CFR part 301). Section 7508A of the Internal Revenue Code (Code) relates to the postponement of certain tax-related acts by reason of a federally declared disaster or terroristic or military action. Section 7508A was added by section 911(a) of the Taxpayer Relief Act of 1997, Public Law 105-34 (111 Stat. 788, 877-78 (1997)) (the 1997 Act), which was effective for any period for performing an act that had not expired before December 5, 1997.

A notice of proposed rulemaking (REG-142680-06) was published in the **Federal Register** (73 FR 40471-01) on July 15, 2008. No comments were received from the public in response to the notice of proposed rulemaking, and no public hearing was requested or held. In this Treasury decision, the proposed regulations are adopted as revised.

##### Explanation of Revisions

Section 301.7508A-1 of these final regulations is revised throughout to use

the term “federally declared disaster” instead of the term “Presidentially declared disaster” when referring to any disaster determined by the President of the United States to warrant assistance by the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121, *et seq.* (the “Stafford Act”). Prior versions of these regulations and the proposed regulations included the term “Presidentially declared disaster” as defined in former Code section 1033(h)(3). Sec. 706(a) of TEAMTRA, Div. C of Public Law 110-343 (122 Stat. 3765, 3920), amended Code section 1033(h)(3) by replacing the term “Presidentially declared disaster” with “federally declared disaster” and providing that the term shall have the meaning given such term by section 165(h)(3)(C). Section 165(h)(3)(C), added by section 706(a) of TEAMTRA, defines the term “federally declared disaster” to mean any disaster subsequently determined by the President of the United States to warrant assistance by the Federal Government under the Stafford Act. This definition is substantially the same as the definition of “Presidentially declared disaster” under former section 1033(h)(C). Thus, these statutory changes in terminology do not materially impact the meaning of either the proposed or final regulations.

Section 301.7508A-1(d)(1) of the final regulations is revised to expand the definition of “affected taxpayer” to include any individual, business entity, or sole proprietorship not located in a covered disaster area, but whose records necessary to meet a deadline for an act specified in paragraph (c) of § 301.7508A-1 are located in the covered disaster area. Section 301.7508A-1(d)(1) of the final regulations further expands the definition of *affected taxpayer* to include any individual visiting the covered disaster area who was killed or injured as a result of the disaster. These changes reflect current IRS practice of broadly defining the term “affected taxpayer.”

Section 301.7508A-1(f) of the final regulations is revised to include a new *Example 9*. *Example 9*, which reflects current IRS practice, explains the impact of disaster relief on installment agreement payments that become due during the postponement period. *Example 9* explains that the affected taxpayer’s obligation to make installment agreement payments is suspended during the postponement period. *Example 9* further explains that, because installment agreement payments pertain to pre-existing tax liabilities, interest and penalties