

banking agency, that the member bank may not use this exemption.

■ 3. Revise § 223.56 to read as follows:

**§ 223.56 What transactions are exempt from the market-terms requirement of section 23B?**

The following transactions are exempt from the market-terms requirement of § 223.51.

(a) *Purchases of certain asset-backed commercial paper.* Purchases of asset-backed commercial paper from an affiliated SEC-registered open-end investment company that holds itself out as a money market mutual fund under SEC Rule 2a-7 (17 CFR 270.2a-7), if the member bank:

(1) Purchases the asset-backed commercial paper on or after September 19, 2008;

(2) Pledges the asset-backed commercial paper to a Federal Reserve Bank to secure financing from the asset-backed commercial paper lending facility (AMLF) established by the Board on September 19, 2008; and

(3) Has not been specifically informed by the Board, after consultation with the member bank's appropriate Federal banking agency, that the member bank may not use this exemption.

(b) [Reserved].

By order of the Board of Governors of the Federal Reserve System, January 30, 2009.

**Jennifer J. Johnson,**  
*Secretary of the Board.*

[FR Doc. E9-2338 Filed 2-5-09; 8:45 am]

**BILLING CODE 6210-01-P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### 32 CFR Part 199

[DOD-2007-HA-0048]

RIN 0720-AB19

**TRICARE; Hospital Outpatient Prospective Payment System (OPPS): Delay of Effective Date and Additional Opportunity for Public Comment**

**AGENCY:** Office of the Secretary, Department of Defense.

**ACTION:** Final rule; delay of effective date and opportunity for public comment.

**SUMMARY:** On December 10, 2008, DoD published a final rule implementing the TRICARE Hospital Outpatient Prospective Payment System (OPPS), with an effective date of February 9, 2009 (73 FR 74945). Since that date, DoD has determined that in order for administrative claims processing

procedures to be fully in place to implement effectively the new OPPS payments, TRICARE's OPPS will begin to apply to health care services provided on or after May 1, 2009. In the meantime, a memorandum of January 20, 2009, from the Assistant to the President and Chief of Staff, entitled "Regulatory Review," published in the **Federal Register** on January 26, 2009, calls for agencies to consider delaying effective dates of rules not yet effective and inviting new public comment. In view of both of these developments, the Department is delaying the effective date of TRICARE's OPPS until May 1, 2009, and is inviting additional public comment on the final rule. Any timely public comments received will be considered and any changes to the final rule will be published in the **Federal Register**.

**DATES:** The effective date of the OPPS final rule published December 10, 2008 (73 FR 74945) is delayed until May 1, 2009. Comments must be received on or before March 9, 2009.

**ADDRESSES:** You may submit comments, identified by docket number and/or Regulatory Information Number (RIN) and title, by either of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Mail:* Federal Docket Management System Office, 1160 Defense Pentagon, Washington, DC 20301-1160.

**Instructions:** All submissions received must include the agency name and docket number or RIN for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

**FOR FURTHER INFORMATION CONTACT:** David E. Bennett or Martha M. Maxey, TRICARE Management Activity, Medical Benefits and Reimbursement Branch, telephone (303) 676-3494 or (303) 676-3627.

Dated: February 3, 2009.

**Patricia L. Toppings,**  
*OSD Federal Register Liaison Officer,*  
*Department of Defense.*

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**BILLING CODE 5001-06-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[Docket No. USCG-2008-1263]

**Drawbridge Operation Regulation; Bayou Lacarde, Mile 7.5, at Houma, Lafourche Parish, LA**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, Eighth Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the SR 661 Vertical Lift Bridge across Bayou Lacarde, mile 7.5, at Houma, Lafourche Parish, Louisiana. The deviation is necessary to replace all the wire ropes used to lift the movable span of the bridge. This deviation allows the bridge to remain closed during daytime hours and requires an advance notice for openings during the nighttime.

**DATES:** This deviation is effective from 9 a.m. on January 31, 2009 through 5 p.m. on February 14, 2009.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket USCG-2008-1263 and are available online at [www.regulations.gov](http://www.regulations.gov). They are also available for inspection or copying at two locations: the Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays, and the Eighth Coast Guard District, Bridge Administration Branch, Hale Boggs Federal Building, Room 1313, 500 Poydras Street, New Orleans, Louisiana 70130-3310 between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Bart Marcules, Bridge Administration Branch, telephone (504) 671-2128.

**SUPPLEMENTARY INFORMATION:** Louisiana Department of Transportation and Development has requested a temporary deviation from the operating schedule of the State Route 661 Vertical Lift Bridge across Bayou Lacarde, mile 7.5, at Houma, Lafourche Parish, Louisiana. The vertical clearance in the closed position is 3 feet, thus most vessels will not be able to pass underneath this bridge in the closed-to-navigation position. There may be times, during the closure period, when the draw will not