

In addition, FDA is amending § 558.530 to remove an incorrect human food safety warning and to revise an animal safety limitation for use of roxarsone in chicken and turkey feeds. The food safety warning restricting use of roxarsone in poultry producing eggs for human consumption was codified in error during a change from text to table format in 2005 (70 FR 41958; July 21, 2005). The animal safety warning is revised to reflect recommendations of the National Academy of Sciences-National Research Council (NAS-NRC) Drug Efficacy Study in 1970 (35 FR 14273; September 10, 1970), following their evaluation of the product. NAS-NRC's recommended warning was restated, but not codified, at the time of Drug Efficacy Study Implementation's finalization of NADA 7-891 for a roxarsone Type A medicated article in 1981 (46 FR 52330; October 27, 1981). The revised warning for medicated feed use agrees with the warning that is codified for roxarsone oral dosage forms in 21 CFR part 520.

In accordance with the freedom of information provisions of 21 CFR part 20 and 21 CFR 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

The agency 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 558

Animal drugs, Animal feeds.

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 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

1. The authority citation for 21 CFR part 558 continues to read as follows:

Authority: 21 U.S.C. 360b, 371.

2. In § 558.311, in the table in paragraph (e)(1)(xv), alphabetically add a new entry for "Roxarsone 22.7 to 45.4" to read as follows:

§ 558.311 Lasalocid.

* * * * *
(e) * * *
(1) * * *

Lasalocid sodium activity in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
(xv) 68 (0.0075 pct) to 113 (0.0125 pct).	*	* *	* *	*
*	*	*	*	*
	Roxarsone 22.7 to 45.4	Growing turkeys: For prevention of coccidiosis caused by <i>E. meleagrimitis</i> , <i>E. gallopavonis</i> , and <i>E. adenoides</i> , increased rate of weight gain, improved feed efficiency, and improved pigmentation.	Feed continuously as the sole ration. Roxarsone provided by No. 046573 in § 510.600(c) in this chapter.	046573
*	*	*	*	*

§ 558.530 [Amended]

- 3. Amend § 558.530 as follows:
 - a. In the table in paragraph (d)(1)(i), in the "Limitations" column, remove the phrase "do not feed to chickens producing eggs for human consumption;" and remove the phrase "may result in leg weakness" and in its place add the phrase "may result in weakness or paralysis of the legs" and
 - b. In the table in paragraph (d)(2)(i), in the "Limitations" column, remove the phrase "do not feed to turkeys producing eggs for human consumption;" and remove the phrase "may result in leg weakness" and in its place add the phrase "may result in weakness or paralysis of the legs".

Dated: July 9, 2009.

Bernadette Dunham,
Director, Center for Veterinary Medicine.
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PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 4022

Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: Pension Benefit Guaranty Corporation's regulation on Benefits Payable in Terminated Single-Employer Plans prescribes interest assumptions for valuing and paying certain benefits under terminating single-employer plans. This final rule amends the benefit payments regulation to adopt interest assumptions for plans with valuation dates in August 2009. Interest assumptions are also published on PBGC's Web site (<http://www.pbgc.gov>).

DATES: Effective August 1, 2009.

FOR FURTHER INFORMATION CONTACT: Catherine B. Klion, Manager, Regulatory and Policy Division, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202-326-4024. (TTY/TDD users may call the Federal relay service toll-free at 1-800-877-8339 and ask to be connected to 202-326-4024.)

SUPPLEMENTARY INFORMATION: PBGC's regulations prescribe actuarial assumptions—including interest assumptions—for valuing and paying plan benefits of terminating single-employer plans covered by title IV of the Employee Retirement Income Security Act of 1974. The interest assumptions are intended to reflect current conditions in the financial and annuity markets.

These interest assumptions are found in two PBGC regulations: the regulation on Benefits Payable in Terminated Single-Employer Plans (29 CFR Part 4022) and the regulation on Allocation of Assets in Single-Employer Plans (29 CFR Part 4044). Assumptions under the asset allocation regulation are updated quarterly; assumptions under the benefit payments regulation are updated monthly. This final rule updates only the assumptions under the benefit payments regulation.

Two sets of interest assumptions are prescribed under the benefit payments regulation: (1) A set for PBGC to use to determine whether a benefit is payable as a lump sum and to determine lump-sum amounts to be paid by PBGC (found in Appendix B to Part 4022), and (2) a set for private-sector pension practitioners to refer to if they wish to use lump-sum interest rates determined using PBGC's historical methodology (found in Appendix C to Part 4022).

This amendment (1) adds to Appendix B to Part 4022 the interest assumptions for PBGC to use for its own lump-sum payments in plans with valuation dates during August 2009, and (2) adds to Appendix C to Part 4022 the interest assumptions for private-sector pension practitioners to refer to if they wish to use lump-sum interest rates determined using PBGC's historical

methodology for valuation dates during August 2009.

The interest assumptions that PBGC will use for its own lump-sum payments (set forth in Appendix B to part 4022) will be 3.00 percent for the period during which a benefit is in pay status and 4.00 percent during any years preceding the benefit's placement in pay status. These interest assumptions represent a decrease (from those in effect for July 2009) of 0.75 percent in the immediate annuity rate and are otherwise unchanged. For private-sector payments, the interest assumptions (set forth in Appendix C to part 4022) will be the same as those used by PBGC for determining and paying lump sums (set forth in Appendix B to part 4022).

PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This finding is based on the need to determine and issue new interest assumptions promptly so that the assumptions can reflect current market conditions as accurately as possible.

Because of the need to provide immediate guidance for the valuation and payment of benefits in plans with valuation dates during August 2009, PBGC finds that good cause exists for making the assumptions set forth in this

amendment effective less than 30 days after publication.

PBGC has determined that this action is not a "significant regulatory action" under the criteria set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

List of Subjects in 29 CFR Part 4022

Employee benefit plans, Pension insurance, Pensions, Reporting and recordkeeping requirements.

■ In consideration of the foregoing, 29 CFR part 4022 is amended as follows:

PART 4022—BENEFITS PAYABLE IN TERMINATED SINGLE-EMPLOYER PLANS

■ 1. The authority citation for part 4022 continues to read as follows:

Authority: 29 U.S.C. 1302, 1322, 1322b, 1341(c)(3)(D), and 1344.

■ 2. In appendix B to part 4022, Rate Set 190, as set forth below, is added to the table.

Appendix B to Part 4022—Lump Sum Interest Rates for PBGC Payments

* * * * *

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
	* * *	* * *		* * *	* * *	* * *	* * *	* * *
190	8-1-09	9-1-09	3.00	4.00	4.00	4.00	7	8

■ 3. In appendix C to part 4022, Rate Set 190, as set forth below, is added to the table.

Appendix C to Part 4022—Lump Sum Interest Rates for Private-Sector Payments

* * * * *

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
	* * *	* * *		* * *	* * *	* * *	* * *	* * *
190	8-1-09	9-1-09	3.00	4.00	4.00	4.00	7	8

Issued in Washington, DC, on this 8th day of July 2009.

Vincent K. Snowbarger,

Acting Director, Pension Benefit Guaranty Corporation.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG-2009-0562]

Regattas and Marine Parades; Great Lakes Annual Marine Events

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the local regulations for annual regattas and marine parades in the Captain of the Port Detroit zone from 7 a.m. on July 9, 2009 through 6 p.m. on August 2, 2009. This action is necessary and intended to ensure safety of life on the navigable waters immediately prior to, during, and immediately after regattas or marine parades. This rule will establish restrictions upon, and control movement of, vessels in specified areas immediately prior to, during, and immediately after regattas or marine parades. During the enforcement periods, no person or vessel may enter the regulated areas without permission of the Captain of the Port.

DATES: The regulations in 33 CFR 100 will be enforced as listed in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: CDR Joseph Snowden, Prevention, U.S. Coast Guard Sector Detroit, 110 Mount Elliot Ave., Detroit, MI 48207; (313) 568-9508.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the following regulated areas which were published in the July 18, 2008 issue of the **Federal Register**. (73 FR 41261):

§ 100.918 *Detroit APBA Gold Cup, Detroit, MI.* This regulation is effective from 7 a.m. on July 9, 2009 until 7 p.m. on July 12, 2009. This regulation will be enforced daily from 7 a.m. to 7 p.m. on July 9, 10, 11, and 12, 2009.

§ 100.920 *Tug Across the River, Detroit, MI.* This regulation is effective from 5:30 p.m. to 7 p.m. on July 17, 2009.

§ 100.914 *Trenton Rotary Roar on the River, Trenton, MI.* This regulation is effective from 2 p.m. on July 24, 2009

until 8 p.m. on July 26, 2009. This regulation will be enforced from 2 p.m. to 6 p.m. on July 24, 2009, from 8 a.m. to 8 p.m. on July 25, 2009 and from 8 a.m. to 8 p.m. on July 26, 2009.

§ 100.915 *St. Clair River Classic Offshore Race, St. Clair, MI.* This regulation is effective from 10 a.m. on July 31, 2009 until 6 p.m. on August 2, 2009. This regulation will be enforced daily from 10 a.m. to 6 p.m. on July 31, August 1, and August 2, 2009.

In accordance with the general regulations in section 100.901 of this part, entry into, transiting, or anchoring within these regulated areas is prohibited unless authorized by the Captain of the Port Detroit or the Patrol Commander.

These regulated areas are closed to all vessel traffic, except as may be permitted by the Captain of the Port Detroit or the Patrol Commander.

Vessel operators given permission to enter or operate in the regulated area must comply with all directions given to them by the Captain of the Port or the Patrol Commander.

Dated: June 24, 2009.

F.M. Midgette,

Captain, U.S. Coast Guard, Captain of the Port Detroit.

[FR Doc. E9-16684 Filed 7-14-09; 8:45 am]

BILLING CODE 4910-15-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[USCG-2009-0233]

RIN 1625-AA09

Drawbridge Operation Regulation; Manasquan River, NJ

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is removing the existing drawbridge operation regulation for the Route 70 Bridge, mile 3.4, across Manasquan River at Riviera Beach, NJ. The existing bridge has been modified by permit from a movable bridge to a fixed bridge. Since the bridge is no longer a movable bridge, the regulation controlling the opening and closing of the bridge is no longer necessary.

DATES: This rule is effective July 15, 2009.

ADDRESSES: Documents indicated in this preamble as being available in the docket, are part of docket USCG-2009-

0233 and are available online by going to <http://www.regulations.gov>, selecting the Advanced Docket Search option on the right side of the screen, inserting USCG-2009-0233 in the Docket ID box, pressing Enter, and then clicking on the item in the Docket ID column. This material is also available for inspection or copying at 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.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call Waverly W. Gregory, Jr., Bridge Administrator, Fifth Coast Guard District, at (757) 398-6222. If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

SUPPLEMENTARY INFORMATION: The Coast Guard is issuing this final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because the bridge that the regulation governed has been modified from a movable bridge to a fixed bridge and does not open for the passage of vessels.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective in less than 30 days after publication in the **Federal Register** because this rule removes the regulation used for the operation of a movable bridge that has been modified to become a fixed bridge. The modification has already taken place and the removal of the regulation will not affect mariners.

Background and Purpose

On September 23, 2005, a Coast Guard Bridge Permit (2-05-5) was issued to the New Jersey Department of Transportation (NJDOT) to replace the existing single-leaf bascule bridge, which carries Route 70 over Manasquan River at Riviera Beach, NJ, with a new fixed bridge. NJDOT completed construction for a new fixed bridge in December 2008.