

person who will be adversely affected by this regulation may at any time file with the Division of Dockets Management (see **ADDRESSES**) electronic or written objections. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents are to be submitted and are to be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday. FDA will publish notice of the objections that the agency has received or lack thereof in the **Federal Register**.

#### List of Subjects in 21 CFR Part 73

Color additives, Cosmetics, Drugs, Foods, Medical devices.

■ Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR part 73 is amended as follows:

#### PART 73—LISTING OF COLOR ADDITIVES EXEMPT FROM CERTIFICATION

■ 1. The authority citation for 21 CFR part 73 continues to read as follows:

**Authority:** 21 U.S.C. 321, 341, 342, 343, 348, 351, 352, 355, 361, 362, 371, 379e.

■ 2. Section 73.37 is added to subpart A to read as follows:

#### § 73.37 Astaxanthin dimethylsuccinate.

(a) *Identity.* (1) The color additive astaxanthin dimethylsuccinate is 3,3'-bis(4-methoxy-1,4-dioxobutoxy)- $\beta$ , $\beta$ -carotene-4,4'-dione.

(2) Astaxanthin dimethylsuccinate may be added to the fish feed only as a component of a stabilized mixture. Color additive mixtures for fish feed use

made with astaxanthin dimethylsuccinate may contain only those diluents that are suitable and are listed in this subpart as safe for use in color additive mixtures for coloring foods.

(b) *Specifications.* Astaxanthin dimethylsuccinate shall conform to the following specifications and shall be free from impurities other than those named to the extent that such impurities may be avoided by good manufacturing practice:

(1) Physical state, solid.  
 (2) 0.05 percent solution in chloroform, complete and clear.  
 (3) Absorption maximum wavelength 484–493 nanometers (in chloroform).  
 (4) Residue on ignition, not more than 0.1 percent.

(5) Total carotenoids other than astaxanthin dimethylsuccinate, not more than 4 percent.

(6) Lead, not more than 5 milligrams per kilogram (mg/kg) (5 parts per million).

(7) Arsenic, not more than 2 mg/kg (2 parts per million).

(8) Mercury, not more than 1 mg/kg (1 part per million).

(9) Heavy metals, not more than 10 mg/kg (10 parts per million).

(10) Assay including astaxanthin dimethylsuccinate, astaxanthin monomethylsuccinate, and astaxanthin, minimum 96 percent.

(c) *Uses and restrictions.* Astaxanthin dimethylsuccinate may be safely used in the feed of salmonid fish in accordance with the following prescribed conditions:

(1) The color additive is used to enhance the pink to orange-red color of the flesh of salmonid fish.

(2) The quantity of astaxanthin dimethylsuccinate in the finished feed, when used alone or in combination with other astaxanthin color additive sources listed in this part 73, shall not exceed 110 milligrams per kilogram (mg/kg), which is equivalent to 80 mg/kg astaxanthin (72 grams per ton).

(d) *Labeling requirements.* (1) The labeling of the color additive and any premixes prepared therefrom shall bear expiration dates for the sealed and open container (established through generally accepted stability testing methods), other information required by § 70.25 of this chapter, and adequate directions to prepare a final product complying with the limitations prescribed in paragraph (c) of this section.

(2) The presence of the color additive in finished fish feed prepared according to paragraph (c) of this section shall be declared in accordance with § 501.4 of this chapter.

(3) The presence of the color additive in salmonid fish that have been fed feeds containing astaxanthin dimethylsuccinate shall be declared in accordance with §§ 101.22(b), (c), and (k)(2), and 101.100(a)(2) of this chapter.

(e) *Exemption from certification.* Certification of this color additive is not necessary for the protection of the public health, and therefore batches thereof are exempt from the certification requirements of section 721(c) of the act.

Dated: October 21, 2009.

**Leslye M. Fraser,**

*Director, Office of Regulations, Policy and Social Sciences, Center for Food Safety and Applied Nutrition.*

[FR Doc. E9–26524 Filed 11–04–09; 8:45 am]

BILLING CODE 4160–01–S

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 1

[TD 9465]

RIN 1545–BF71

#### Determination of Interest Expense Deduction of Foreign Corporations; Correction

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

**ACTION:** Correcting amendments.

**SUMMARY:** This document contains corrections to final regulations (TD 9465) that were published in the **Federal Register** on Monday, September 28, 2009 (74 FR 49315) concerning the determination of the interest expense deduction of foreign corporations engaged in a trade or business within the United States. These final regulations conform the interest expense rules to recent U.S. Income Tax Treaty agreements and adopt other changes to improve compliance.

**DATES:** This correction is effective on November 5, 2009, and is applicable on September 28, 2009.

**FOR FURTHER INFORMATION CONTACT:** Anthony J. Marra, (202) 622–3870 (not a toll-free number).

#### SUPPLEMENTARY INFORMATION:

##### Background

The final regulations (TD 9465) that are the subject of this document are under sections 882 and 884 of the Internal Revenue Code.

##### Need for Correction

As published, the final regulations (TD 9465) contain errors that may prove

to be misleading and are in need of clarification.

**List of Subjects in 26 CFR Part 1**

Income taxes, Reporting and recordkeeping requirements.

**Correction of Publication**

■ Accordingly, 26 CFR part 1 is corrected by making the following correcting amendments:

**PART 1—INCOME TAXES**

■ **Paragraph 1.** The authority citation for part 1 continues to read in part as follows:

**Authority:** 26 U.S.C. 7805 \* \* \*

■ **Par. 2.** Section 1.882–5 is amended by revising the first sentence of paragraph (f)(1) to read as follows:

**§ 1.882–5 Determination of interest deduction.**

\* \* \* \* \*

(f) *Effective/applicability date.* (1) This section is applicable for taxable years ending on or after August 15, 2009. \* \* \*

\* \* \* \* \*

■ **Par. 3.** Section 1.884–1 is amended by revising the fifth sentence of paragraph (e)(5) *Example 2.* (i) to read as follows:

**§ 1.884–1 Branch profits tax.**

\* \* \* \* \*

(e) \* \* \*  
(5) \* \* \*

*Example 2.* (i) \* \* \* As a result of the election, assuming A’s U.S. assets and U.S. liabilities would otherwise have remained constant, A’s U.S. net equity as of the close of 2007 will increase by the amount of the decrease in liabilities (\$60) from \$200 to \$260 and its ECEP will be reduced to zero. \* \* \*

\* \* \* \* \*

**LaNita Van Dyke,**

*Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel, (Procedure and Administration).*

[FR Doc. E9–26274 Filed 11–4–09; 8:45 am]

**BILLING CODE 4830–01–P**

**DEPARTMENT OF THE TREASURY**

**Internal Revenue Service**

**26 CFR Parts 1 and 602**

[TD 9465]

RIN 1545–BF71

**Determination of Interest Expense Deduction of Foreign Corporations; Correction**

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

**ACTION:** Correction to final regulations.

**SUMMARY:** This document contains a correction to final regulations (TD 9465) that were published in the **Federal Register** on Monday, September 28, 2009 (74 FR 49315) concerning the determination of the interest expense deduction of foreign corporations engaged in a trade or business within the United States. These final regulations conform the interest expense rules to recent U.S. Income Tax Treaty agreements and adopt other changes to improve compliance.

**DATES:** This correction is effective on November 5, 2009, and is applicable on September 28, 2009.

**FOR FURTHER INFORMATION CONTACT:** Anthony J. Marra, (202) 622–3870 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:**

**Background**

The final regulations (TD 9465) that are the subject of this document are under sections 882 and 884 of the Internal Revenue Code.

**Need for Correction**

As published, the final regulations (TD 9465) contain an error that may prove to be misleading and is in need of clarification.

**Correction of Publication**

Accordingly, the publication of the final regulations (TD 9465), which were the subject of FR Doc. E9–22867, is corrected as follows:

On page 49315, column 3, in the preamble, under the caption **DATES**, the language “These final regulations are effective September 28, 2009.” is corrected to read “*Effective Date:* These final regulations are effective on September 28, 2009.

*Applicability Date:* These final regulations are applicable for taxable years ending on or after August 15, 2009. A taxpayer may choose to apply the temporary regulations (TD 9281, 71 FR 47443), rather than applying the final regulations, for any taxable year beginning on or after August 16, 2008, but before August 15, 2009.”.

**LaNita Van Dyke,**

*Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel, Procedure and Administration.*

[FR Doc. E9–26272 Filed 11–4–09; 8:45 am]

**BILLING CODE 4830–01–P**

**POSTAL REGULATORY COMMISSION**

**39 CFR Parts 3001 and 3004**

[Docket No. RM2009–6; Order No. 322]

**Freedom of Information Act Regulations**

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission is adopting final rules related to the Freedom of Information Act. The final rules reflect several changes made in response to commenters’ suggestions. They implement recent amendments clarifying the relationship of these rules to others, and make minor editorial and conforming changes.

**DATES:** Effective December 7, 2009.

**FOR FURTHER INFORMATION CONTACT:** Stephen L. Sharfman, General Counsel, 202–789–6820 or [stephen.sharfman@prc.gov](mailto:stephen.sharfman@prc.gov).

**SUPPLEMENTARY INFORMATION:** *Regulatory History*, 74 FR 33388 (July 13, 2009).

- I. Introduction
- II. Comments
- III. Discussion
- IV. Section-by-Section Analysis of the Rules
- V. Ordering Paragraphs

**I. Introduction**

In this order, the Postal Regulatory Commission (Commission) adopts rules which govern processing of Freedom of Information Act (FOIA), 5 U.S.C. 552, requests. These final rules revise procedures for the Commission’s handling of FOIA requests to reflect the Openness Promotes Effectiveness in our National Government Act of 2007, Public Law 110–175, 121 Stat. 2524 (OPEN Government Act). The Commission finds these updates necessary in light of statutory changes and policy direction from the President and the Attorney General.<sup>1</sup>

The Commission proposed changes to its FOIA rules (39 CFR part 3004) in Order No. 230.<sup>2</sup> The substantive changes included a declaration of a presumption of openness, a provision to allow partial grants of requests, a mechanism for requesters to receive a tracking number for each FOIA request,

<sup>1</sup> See OPEN Government Act, Public Law 110–175, 121 Stat. 2524 (2007); see also Memorandum for the Heads of Executive Departments and Agencies, January 21, 2009, 74 FR 4683 (January 26, 2009); and Office of the Attorney General, Memorandum for Heads of Executive Departments and Agencies (March 19, 2009); and Department of Justice Office of Information Policy FOIA Post 8, April 17, 2009.

<sup>2</sup> PRC Order No. 230, Notice of Proposed Rulemaking to Establish Procedures for the Freedom of Information Act, July 1, 2009 (Order No. 230).