March 2010, the Federal Reserve proposed to amend Regulation DD and
the official staff commentary. 75 FR 9126 (March 1, 2010). Based on
comments it received, the Federal Reserve issued a final rule on June 4,
2010. 75 FR 31673 (June 4, 2010).

II. Interim Final Rule

In compliance with TISA, NCUA
issued an interim final rule with request
for comment on July 29, 2010, that was
substantially similar to the Federal Reserve’s June 2010 final rule. The
interim final rule also included
technical corrections to the aggregate
overdraft and returned item fees payment
form for formatting purposes. The Board
issued the rule as an interim final rule
because there is a strong public interest
in having consumer-oriented rules in
place that are consistent with those
recently promulgated by the Federal Reserve. Additionally, as discussed
above, NCUA is statutorily required to
issue rules substantially similar to those
of the Federal Reserve within 90 days of
the effective date of the Federal Reserve’s rules.

III. Summary of Comments

NCUA received three comments on
the interim final rule. Two comments
were from credit union trade
associations and one comment was from
a State credit union league. Each
commenter suggested some degree of
change to the final rule. As discussed
below, the three areas where comments
offered suggestions were use of the term “Total Overdraft Fees,” use of model
form B–12, and the mandatory
compliance date for the amendments to
§ 707.11(a)(1)(i).

First, all three commenters requested the Board permit credit unions to use
terms other than “Total Overdraft Fees” in a member’s periodic statement. One
commenter argued that the use of “Total Overdraft Fees” would actually result in
more confusion as a credit union’s account opening and promotional
materials might use a different term than the one required by the rule on
periodic statements. Another commenter suggested that the Board should allow credit unions to use the term “Total Overdraft Fees for paid
items,” which, the commenter argues, will further enhance the distinction
between fees paid for items that are
covered by the credit union and fees
paid because an item is returned for
insufficient funds. The third commenter
requested that the Board allow credit
unions to use a term that is substantially similar to “Total Overdraft Fees,” which
the commenter argues is in line with the Federal Reserve’s regulations. The
Board disagrees with these comments
and reiterates its position from the
interim final rule that permitting the use of terminology other than “Total
Overdraft Fees” could be confusing to
members and potentially undermines
their ability to compare costs,
particularly if the member has accounts
at different credit unions that each use different terminology. Further, the
Board notes that requiring credit unions to use the term “Total Overdraft Fees” is
identical to the requirement in the
Federal Reserve’s rule and this term in
conjunction with the other provisions in
the current rule provide sufficient
clarification between overdraft fees and
fees for insufficient funds.

Two commenters provided
suggestions on the technical changes to
model form B–12. One commenter
asked for additional guidance on
the requirement that credit unions disclose
the information in model form B–12 in
a tabular format. Another commenter
requested that credit unions be required
to continue using the original form to
prevent them from needing to spend
money on reformatting periodic
disclosure forms. With regard to both
comments, the Board notes that
§ 707.11(a)(3) of NCUA’s regulations
requires credit unions to use a format
that is substantially similar to model
form B–12. With respect to the first
comment, the Board does not believe
that a non-tabular disclosure is
“substantially similar” to model form
B–12 and, therefore, would be
impermissible under the rule. With
respect to the second comment,
however, the Board does believe using
model form B–12 without the interim
final rule’s technical corrections would
be considered substantially similar. The
technical corrections made in the
interim final rule do not change the
substance or purpose of the form, but
rather ensure conformity with the model
form used by the Federal Reserve. Credit
unions can continue to use the non-
amended form until their supplies are
depleted.

Finally, one commenter requested the Board extend the mandatory compliance
date for the use of the term “Total
Overdraft Fees” to provide credit unions with sufficient time to implement this
change. Since the mandatory
compliance date has already passed and
credit unions are currently required to
use the term “Total Overdraft Fees,” this
comment is moot. Further, as noted in
the preamble to the interim final rule,
the Board did consider the burden on
credit unions and chose a date that
would allow compliance in conjunction
with the Federal Reserve while
minimizing the inconvenience to credit
unions.

IV. Regulatory Procedures

Section III of the SUPPLEMENTARY
INFORMATION to the July 2009 final rule
sets forth the Board’s analyses under the
Regulatory Flexibility Act (5 U.S.C. 601
et seq.), the Paperwork Reduction Act of
1995 (44 U.S.C. 3506; 5 CFR part 1320
Appendix A.1), the Small Business
Regulatory Enforcement Fairness Act
(Pub. L. 104–121), Executive Order
13132, and the Treasury and General
Government Appropriations Act (Pub.
FR 36102–36106. Because the final
amendments are clarifications and do
not alter the substance of the analyses and
determinations accompanying that
final rule, the Board continues to rely on
those analyses and determinations for
purposes of this rulemaking.

By the National Credit Union
Administration Board on January 13, 2010.
Mary F. Rupp,
Secretary of the Board.

List of Subjects in 12 CFR Part 707

Advertising, Credit unions, Consumer
protection, Reporting and recordkeeping
requirements, Truth in savings.

Accordingly, the interim final rule
amending 12 CFR Part 707, which was
published at 75 FR 47173 on August 5,
2010, is adopted as a final rule without
change.

[F.R. Doc. 2011–1091 Filed 1–19–11; 8:45 am]
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DEPARTMENT OF HEALTH AND
HUMAN SERVICES

Food and Drug Administration

21 CFR Part 522

[Docket No. FDA–2010–N–0002]

Implantation or Injectable Dosage
Form New Animal Drugs;
Oxytetracycline and Flunixin

AGENCY: Food and Drug Administration,
HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug
Administration (FDA) is amending the
animal drug regulations to reflect
approval of a new animal drug
application (NADA) filed by Norbrook
Laboratories, Ltd. The NADA provides
for veterinary prescription use of a
combination drug injectable solution
containing oxytetracycline and flunixin
meglumine in cattle.
DATES: This rule is effective January 20, 2011.

FOR FURTHER INFORMATION CONTACT:
Cindy L. Burnsteel, Center for Veterinary Medicine (HFV–130), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 240–276–8341, e-mail: cindy.burnsteel@fda.hhs.gov.


In accordance with the freedom of information provisions of 21 CFR part 20 and 21 CFR § 1514.11(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.

Under section 512(c)(2)(F) of the act (21 U.S.C. 360b(c)(2)(F)), this approval qualifies for 3 years of marketing exclusivity beginning on the date of approval.

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 522

Animal drugs.

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 522 is amended as follows:

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 522 continues to read as follows:


2. Add § 522.1664 to read as follows:

§ 522.1664 Oxytetracycline and flunixin.

(a) Specifications. Each milliliter (mL) of solution contains 300 milligrams (mg) oxytetracycline base as amphoteric oxytetracycline and 20 mg flunixin base as flunixin meglumine.

(b) Sponsor. See No. 055529 in § 510.600(c) of this chapter.

(c) Related tolerances. See § § 556.286 and 556.500 of this chapter.

(d) Conditions of use cattle—(1) Amount. Administer once as an intramuscular or subcutaneous injection of 1 mL per 22 pounds (lb) body weight (BW) (13.6 mg oxytetracycline and 0.9 mg flunixin per lb BW) where retreatment of calves and yearlings for bacterial pneumonia is impractical due to husbandry conditions, such as cattle on range, or where their repeated restraint is inadvisable.

(2) Indications for use. For the treatment of bacterial pneumonia associated with Pasteurella spp. and for the control of associated pyrexia in beef and nonlactating dairy cattle.

(3) Limitations. Federal law restricts this drug to use by or on the order of a licensed veterinarian. Discontinue treatment at least 21 days prior to slaughter of cattle. Do not use in female dairy cattle 20 months of age or older. Use in this class of cattle may cause milk residues. A withdrawal period has not been established in preruminating calves. Do not use in calves to be processed for veal. Use of dosages other than those indicated may result in residue violations.

Dated: January 11, 2011.

Bernadette Dunham,
Director, Center for Veterinary Medicine.

BILLING CODE 4160–01–P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Parts 4, 9, and 70

[76 FR 2011–1040 Filed 1–19–11; 8:45 am]

Revision of American Viticultural Area Regulations

AGENCY: Alcohol and Tobacco Tax and Trade Bureau, Treasury.

ACTION: Final rule; Treasury decision.

SUMMARY: In this Treasury decision, the Alcohol and Tobacco Tax and Trade Bureau amends the regulations concerning the establishment of American viticultural areas (AVAs). The changes provide clearer regulatory standards for the establishment of AVAs and clarify the rules for preparing, submitting, and processing viticultural area petitions.

DATES: Effective Date: This final rule is effective on February 22, 2011.


SUPPLEMENTARY INFORMATION:

Background

TTB Authority

Section 105(e) of the Federal Alcohol Administration Act (FAA Act), 27 U.S.C. 205(e), authorizes the Secretary of the Treasury to prescribe regulations for the labeling of wine, distilled spirits, and malt beverages. The FAA Act provides that these regulations should, among other things, prohibit consumer deception and the use of misleading statements on labels, and ensure that labels provide the consumer with adequate information as to the identity and quality of the product. The Alcohol and Tobacco Tax and Trade Bureau (TTB) administers the regulations promulgated under the FAA Act.

Part 4 of the TTB regulations (27 CFR part 4) provides for the establishment of definitive viticultural areas and for the use of their names as appellations of origin on wine labels and in wine advertisements. Part 9 of the TTB regulations (27 CFR part 9) prescribes the standards for submitting a petition to establish a new American viticultural area (AVA) or to modify an existing AVA, and it contains a list with descriptions of all approved AVAs. Part