

alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). The agency believes that this direct final rule is not a significant regulatory action under the Executive order.

The Regulatory Flexibility Act requires agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. Because the direct final rule would not impose any direct or indirect costs on industry or government through the amendment, but rather would only clarify that sponsors must include in their applications the information described in § 514.1 that is appropriate for their particular submission, the agency certifies that the direct final rule would not have a significant economic impact on a substantial number of small entities.

Section 202(a) of the Unfunded Mandates Reform Act of 1995 requires that agencies prepare a written statement, which includes an assessment of anticipated costs and benefits, before proposing "any rule that includes any Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more (adjusted annually for inflation) in any one year." The current threshold after adjustment for inflation is \$133 million, using the most current (2008) Implicit Price Deflator for the Gross Domestic Product. FDA does not expect this direct final rule to result in any 1-year expenditure that would meet or exceed this amount.

## VI. Federalism

FDA has analyzed this direct final rule in accordance with the principles set forth in Executive Order 13132. FDA has determined that the rule does not contain policies that have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, the agency has concluded that the rule does not contain policies that have federalism implications as defined in the Executive order and, consequently, a federalism summary impact statement is not required.

## VII. Paperwork Reduction Act of 1995

This direct final rule refers to previously approved collections of information found in FDA regulations.

The direct final rule amends these previously approved collections of information by clarifying that NADAs must contain the information appropriate for the particular submission. Further, this amendment is based upon the Center for Veterinary Medicine's previous experience with these submissions. Thus, § 514.1 as amended, does not constitute a new or additional paperwork burden requiring Office of Management and Budget (OMB) approval.

Collections of information are subject to review by OMB under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in § 514.1 have been approved under OMB Control No. 0910–0032. This approval expires April 30, 2011. An agency may not conduct and a person is not required to respond to a collection of information unless it displays a valid OMB control number.

## VIII. Request for Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments regarding this document. Submit a single copy of electronic comments or two paper copies of any mailed comments, except that individuals may submit one paper copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

## List of Subjects in 21 CFR Part 514

Administrative practice and procedure, Animal drugs, Confidential business information, Reporting and recordkeeping requirements.

■ Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 514 is amended as follows:

## PART 514—NEW ANIMAL DRUG APPLICATIONS

■ 1. The authority citation for 21 CFR part 514 continues to read as follows:

**Authority:** 21 U.S.C. 321, 331, 351, 352, 356a, 360b, 371, 379e, 381.

■ 2. In § 514.1, revise the first sentence of paragraph (a) and the introductory text of paragraph (b) to read as follows:

### § 514.1 Applications.

(a) Applications to be filed under section 512(b) of the act shall be submitted in the form and contain the information described in paragraph (b)

of this section, as appropriate to support the particular submission. \* \* \*

(b) Applications for new animal drugs shall be submitted in triplicate and assembled in the manner prescribed by paragraph (b)(15) of this section, and shall include the following information, as appropriate to support the particular submission: \* \* \*

\* \* \*

Dated: October 19, 2009.

**David Horowitz,**

*Assistant Commissioner for Policy.*

[FR Doc. E9–25517 Filed 10–22–09; 8:45 am]

**BILLING CODE 4160–01–S**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

[DOD–2009–OS–0141; RIN 0790–AI59]

### 32 CFR Part 279

### Retroactive Stop Loss Special Pay Compensation

**AGENCY:** Office of the Under Secretary of Defense for Personnel and Readiness, DoD.

**ACTION:** Interim final rule.

**SUMMARY:** This part provides for Retroactive Stop Loss Special Pay as authorized and appropriated in The Supplemental Appropriations Act, 2009.

The prompt implementation of the Interim Final Rule is of critical importance as Congress dictated the program be implemented within 120 days following the signing of the "The Supplemental Appropriations Act, 2009. It was signed June 24, 2009. Additionally, this program is of short duration, from October 21, 2009 to October 21, 2010. The last day for submission of claims to the Secretaries of the Military Departments for Retroactive Stop Loss Special Pay is October 21, 2010. The Secretaries concerned are not authorized to make payments on claims submitted after October 21, 2010. The statutory deadline provides good cause, pursuant to 5 U.S.C. 553(d)(3), to make this rule effective immediately upon publication.

**DATES:** This rule is effective October 21, 2009. Comments must be received by December 22, 2009.

**ADDRESSES:** You may submit comments, identified by docket number and/or RIN number and title, by any of the following methods:

• *Federal Rulemaking 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 Regulatory Information Number (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:** LTC Brigitte Williams, (703) 614-3973.

**SUPPLEMENTARY INFORMATION:** This part provides for Retroactive Stop Loss Special Pay as authorized and appropriated in The Supplemental Appropriations Act, 2009 (Section 310 of Pub. L. 111-32) and as described in this herein.

#### **Executive Order 12866, "Regulatory Planning and Review"**

*It has been certified that 32 CFR part 279 does:*

(1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy; a section of the economy; productivity; competition; jobs; the environment; public health or safety; or State, local, or tribal governments or communities. The Supplemental Appropriations Act, 2009 appropriated \$534,400,000 to the Department of Defense, to remain available for obligation until expended: Provided, That such funds shall be available to the Secretaries of the military departments only to make payment of claims specified by this law.

*It has been certified that 32 CFR part 279 does not:*

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another Agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

#### **Congressional Review Act, 5 U.S.C. 801, et seq.**

It has been certified that this rule is a major rule under the Congressional Review Act. This rule will have an annual effect on the economy of \$100 million or more. For the same reason for which this is an Interim Final Rule,

specifically the congressionally mandated deadline to begin the program, 5 U.S.C. 801(a)(3) does not apply.

#### **Sec. 202, Public Law 104-4, "Unfunded Mandates Reform Act"**

It has been certified that 32 CFR part 279 does not contain a Federal mandate resulting in expenditure by State, local and tribal governments, in aggregate, or by the private sector, of \$100 million or more in any one year.

#### **Public Law 96-354, "Regulatory Flexibility Act" (5 U.S.C. 601)**

It has been certified 32 CFR part 279 is not subject to the Regulatory Flexibility Act (5 U.S.C. 601) because it would not, if promulgated, have a significant economic impact on a substantial number of small entities.

#### **Public Law 96-511, "Paperwork Reduction Act" (44 U.S.C. Chapter 35)**

Section(s) 279.4(b) of this Interim Final Rule contains information collection requirements. DoD has submitted the following proposal to OMB under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; (b) the accuracy of the estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology.

*Title:* Retroactive Stop Loss Special Pay Compensation.

*Type of Request:* New.

*Estimated Annual Number of Respondents:* 185,887 (Total DoD estimate)

*Responses per Respondent:* 1 claim per respondent.

*Estimated Total Annual Responses:* 185,887.

*Average Burden per Response:* 30 minutes (This claim should take 30 minutes depending on how many supporting documents a member requires for evidence/proof for their circumstance.)

*Annual Burden Hours:* 92,943.5 hours.

*Needs and Uses:* The Military Departments are to determine and certify who is eligible to receive the Retroactive Stop Loss Special Pay and provide this information to the Defense

Finance and Accounting Service for payment.

*Affected Public:* Former Service members.

*Frequency:* One-time.

*Respondent's Obligation:* To obtain or retain benefits.

*OMB Desk Officer:* Ms Jasmeet Seehra.

Written comments and recommendations on the proposed information collection should be sent to Ms Jasmeet Seehra at the Office of Management and Budget, DoD Desk Officer, Room 10102, New Executive Office Building, Washington, DC 20503, with a copy to LTC Brigitte Williams, Assistant Director, Enlisted Personnel, Office of the Under Secretary of Defense for Personnel and Readiness, Pentagon 2B265; Phone (703) 693-3973.

Comments can be received from 30 to 60 days after the date of this notice, but comments to OMB will be most useful if received by OMB within 30 days after the date of this notice.

*You may also submit comments, identified by docket number and title, by the following method: Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.*

*Instructions:* All submissions received must include the agency name, docket number and title 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 <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to LTC Brigitte Williams, Assistant Director, Enlisted Personnel, Office of the Under Secretary of Defense for Personnel and Readiness, Pentagon 3C1063; Phone (703) 693-3973.

#### **Executive Order 13132, "Federalism"**

It has been certified that 32 CFR part 279 does not have federalism implications, as set forth in Executive Order 13132. This rule does not have substantial direct effects on:

(1) The States;

(2) The relationship between the National Government and the States; or

(3) The distribution of power and responsibilities among the various levels of Government.

#### **List of Subjects in 32 CFR Part 279**

Armed forces, Pay.

■ Accordingly 32 CFR Part 279 is added to read as follows:

## **PART 279—RETROACTIVE STOP LOSS SPECIAL PAY COMPENSATION**

Sec.

- 279.1 Purpose.
- 279.2 Eligibility.
- 279.3 Payment.
- 279.4 Claims process.
- 279.5 Recordkeeping.
- 279.6 Reporting.

**Authority:** Sec. 310, Pub. L. 111–32

### **§ 279.1 Purpose.**

This part provides for Retroactive Stop Loss Special Pay as authorized and appropriated in Section 310 of Public Law 111–32 and as described in this part.

### **§ 279.2 Eligibility.**

(a) The Secretaries concerned shall employ the Retroactive Stop Loss Special Pay authority and appropriated funding to compensate Service members, including members of the Reserve components, former and retired members under the jurisdiction of the Secretary who, at any time during the period beginning on September 11, 2001, and ending on September 30, 2009, served on active duty while the Service members' enlistment or period of obligated service was extended, or whose eligibility for retirement was suspended pursuant to any provision of law authorizing the President to extend any period of obligated service, or suspend eligibility for retirement, of a Service member in time of war or of national emergency declared by Congress or the President (commonly referred to as a "stop loss authority").

(b) Service members who were discharged or released from the Armed Forces under other than honorable conditions are not permitted to receive Retroactive Stop Loss Special Pay under Section 310 of Public Law 111–32.

### **§ 279.3 Payment.**

(a) The amount of compensation shall be \$500 per month for each month or any portion of a month during the period specified above that the member was retained on active duty as a result of application of the Stop Loss Authority. The Military Departments are to determine and certify who is eligible to receive the Retroactive Stop Loss Special Pay and provide this information to the Defense Finance and Accounting Service (DFAS) for payment. Except as noted this section, retroactive Stop Loss Special Pay is payable to a member under this section in addition to any other amounts

payable or paid to the member by law or policy.

(b) Payment rules are:

(1) Service members will not receive a payment under "The Supplemental Appropriations Act, 2009", Section 310 of Public Law 111–32 and "Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009", Section 8116 of Public Law 110–329, for the same month or portion of a month during which the member was retained on active duty under Stop Loss Authority as outlined in the Secretary of Defense Memorandum dated March 19, 2009, Subject: Stop Loss Special Pay.

(2) By law, Reserve Component members retained under Stop Loss Authority will receive Retroactive Stop Loss Special Pay only for service on active duty. As such, Reserve Component members may have periods before mobilization and after demobilization while under Stop Loss Authority where no Retroactive Stop Loss Special Pay can be paid.

(3) Retroactive Stop Loss Special Pay is subject to all applicable taxes.

### **§ 279.4 Claims process.**

(a) The last day for submission of claims to the Secretaries of the Military Departments for Retroactive Stop Loss Special Pay is October 21, 2010. The Secretaries concerned are not authorized to make payments on claims that are submitted after October 21, 2010.

(b) The additional period between the date of Under Secretary of Defense for Personnel and Readiness Memorandum, Subject: Retroactive Stop Loss Special Pay Compensation signed on September 23, 2009 and October 21, 2009 is provided for the Military Departments to:

(1) Identify and formally notify members or former members that official records indicate their potential eligibility for Retroactive Stop Loss Special Pay. This notification should reflect the estimated number of eligible months and the projected special pay amount along with guidance about how to submit a claim. Special care should be taken to work with family members of eligible Service members who are deceased. These family members may not be knowledgeable of the process and will require additional assistance after filing their claim.

(2) Make a public announcement of the Retroactive Stop Loss Special Pay Authority highlighting the scope of the program, who qualifies for the benefits, and how to submit a claim to a Service point of contact. The Service contact information will be provided in all

public releases by the Office of Secretary of Defense (OSD) Public Affairs Office, as well as by each of the Services Public Affairs Offices.

(3) Establish and publish evidentiary requirements beyond those listed in this paragraph to support an unrecorded extension under Stop Loss Authority. Official documents may include but are not limited to:

(i) DD 214 Form, Certificate of Release or Discharge from Active Duty and/or DD 215, Correction to DD 214.

(ii) Personnel record or enlistment or reenlistment document recording original expiration of service date.

(iii) Approved retirement memorandum or orders establishing retirement prior to actual date of retirement as stipulated in DD Form 214 or DD Form 215.

(iv) Approved resignation memorandum or transition orders establishing a separation date prior to actual date of separation as stipulated in DD Form 214 or DD Form 215.

(v) Signed documentation or affidavit from knowledgeable officials from the individual's chain of command.

(4) Establish claim and appellate procedures, Web sites, points of contact for assistance or other outreach mechanisms to inform and expedite claims. Publish information on use of Board for Correction of Military/Naval Records.

(5) Claim is submitted and adjudicated by the Service, then sent forward to the Defense Finance and Accounting Service (DFAS) for payment. Upon arrival DFAS will route claim to Debt Claims Management who will process the claim. Payments are then routed through Disbursing and then to Standards and Compliance. Then Disbursing will make payment to the former Service member or estate. Standards and Compliance will build and route reports for OSD and personnel centers.

### **§ 279.5 Recordkeeping.**

The Military Departments will maintain a by-name accounting of claims that will allow aggregate summaries to depict:

- (a) The number of claims filed.
- (b) The number of claims approved.
- (c) The number of claims denied and the reasons why (especially with regard to subparagraph (h) of Section 310 of Pub. L. 111–32).
- (d) The number of appeals.
- (e) The number of claims pending and the reasons why.

(f) The amount of funding that has been obligated, to include mean and median payments provided per claimant, the number of claims and

payments made in accordance with section 2771 of title 10, United States Code for deceased claimants.

(g) The mean and median processing times from receipt of claim to payment.

#### **\$ 279.6 Reporting.**

The Department of Defense shall provide a consolidated report to the congressional defense committees on the implementation of Section 310 of Pub. L. 111–32. As such, the Under Secretary of Defense for Personnel and Readiness, in coordination with the Under Secretary of Defense (Comptroller), will establish data formats and narrative requirements for a cumulative quarterly report beginning January 21, 2010, to monitor the program and the remaining balance of funding appropriated for this purpose.

Dated: October 21, 2009.

**Patricia L. Toppings,**

*OSD Federal Register Liaison Officer,  
Department of Defense.*

[FR Doc. E9–25664 Filed 10–21–09; 4:15 pm]

**BILLING CODE 5001–06–P**

## **DEPARTMENT OF HOMELAND SECURITY**

### **Coast Guard**

#### **33 CFR Part 117**

[Docket Number USCG–2009–0913]

#### **Drawbridge Operation Regulations; Upper Mississippi River, Clinton, IA**

**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 operations of the Clinton Railroad Drawbridge across the Upper Mississippi River, Mile 518.0, Clinton, Iowa. The deviation is necessary to allow time for performing needed maintenance and repairs to the bridge. This deviation allows the bridge to open on signal if at least 24 hours' advance notice is given from 12:01 a.m., December 15, 2009 until 9 a.m., March 15, 2010.

**DATES:** This deviation is effective from 12:01 a.m., December 15, 2009 until 9 a.m., March 15, 2010.

**ADDRESSES:** Documents mentioned in this preamble as being available in the docket are part of docket USCG–2009–0913 and are available online by going to <http://www.regulations.gov>, inserting USCG–2009–0913 in the “Keyword” and then clicking “Search”. They are

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 or e-mail Roger K. Wiebusch, Bridge Administrator, Coast Guard; telephone (314) 269–2378, e-mail [Roger.K.Wiebusch@uscg.mil](mailto:Roger.K.Wiebusch@uscg.mil). If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone (202) 366–9826.

**SUPPLEMENTARY INFORMATION:** The Union Pacific Railroad Company requested a temporary deviation for the Clinton Railroad Drawbridge, across the Upper Mississippi, mile 518.0, at Clinton, Iowa to open on signal if at least 24 hours' advance notice is given in order to facilitate needed bridge maintenance and repairs. The Clinton Railroad Drawbridge currently operates in accordance with 33 CFR 117.5, which states the general requirement that drawbridges shall open promptly and fully for the passage of vessels when a request to open is given in accordance with the subpart. In order to facilitate the needed bridge work, the drawbridge must be kept in the closed-to-navigation position. This deviation allows the bridge to open on signal if at least 24 hours' advance notice is given from 12:01 a.m. December 15, 2009 until 9 a.m., March 15, 2010.

There are no alternate routes for vessels transiting this section of the Upper Mississippi River.

The Clinton Railroad Drawbridge, in the closed-to-navigation position, provides a vertical clearance of 18.7 feet above normal pool. Navigation on the waterway consists primarily of commercial tows and recreational watercraft. This temporary deviation has been coordinated with waterway users. No objections were received.

In accordance with 33 CFR 117.35(e), the drawbridge shall return to its regular operating schedule immediately at the end of the designated time period. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: October 6, 2009.

**Roger K. Wiebusch,**

*Bridge Administrator.*

[FR Doc. E9–25598 Filed 10–22–09; 8:45 am]

**BILLING CODE 4910–15–P**

## **POSTAL REGULATORY COMMISSION**

### **39 CFR Part 3030**

[Docket No. RM2010–2; Order No. 314]

#### **Modification of Complaint Rules**

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Direct final rule.

**SUMMARY:** Under new rules, postal complaints must be served on both the Commission and the Postal Service. This document informs the public of a change in the email account for service on the Postal Service.

**DATES:** This rule is effective December 2, 2009 without further action, unless adverse comment is received by November 23, 2009. If adverse comment is received, the Commission will publish a timely withdrawal of the rule in the **Federal Register**.

**ADDRESSES:** Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>. Commenters who cannot submit their views electronically should contact the person identified in **FOR FURTHER INFORMATION CONTACT** by telephone for advice on alternatives to electronic filing.

**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 16734 (April 10, 2009).

Section 3030.11 of the Commission's rules, 39 CFR 3030.11, specifies that complainants must serve their complaints on the Postal Service via email at a specified email address. This order changes the email address referenced in 39 CFR 3030.11. To accurately reflect the current status, the email address listed in that section is, by this order, changed from “*Sandra.t.broadus@usps.gov*” to “*PRCCOMPLAINTS@usps.gov*.”

**Notice and effective date.** Given the nature and limited extent of this change, the Commission is adopting it as a direct final rule. This rule is effective 40 days after publication in the **Federal Register** without further Commission action, unless the Commission receives adverse comment within 30 days of publication in the **Federal Register**.<sup>1</sup> If adverse comment is received, the Commission will publish a timely withdrawal of the rule in the **Federal**

<sup>1</sup> See Administrative Conference of the United States Recommendation 95–4, Procedures for Noncontroversial and Expedited Rulemaking, 60 FR 43110–13, August 18, 1995.