

## Will We Respond to Your Comments?

We will carefully consider your comments, although we will not respond directly to comments sent in response to this notice or the hearing.

## Additional Hearings

We have held three hearings since December 2007. These hearings were on rare diseases, cancers, and traumatic brain injury and stroke. You may access the transcripts of the hearings at <http://www.socialsecurity.gov/compassionateallowances>. We plan to hold additional hearings on other conditions and will announce those hearings later with notices in the **Federal Register**.

(Catalog of Federal Domestic Assistance Program Nos. 96.001, Social Security—Disability Insurance; 96.006, Supplemental Security Income.)

Dated: July 1, 2009.

**Michael J. Astrue,**

*Commissioner of Social Security.*

[FR Doc. E9–16277 Filed 7–8–09; 8:45 am]

**BILLING CODE 4191–02–P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### 26 CFR Part 1

[REG–150066–08]

RIN 1545–BI45

### Guidance Regarding Foreign Base Company Sales Income

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

**ACTION:** Notice of proposed rulemaking by cross-reference to temporary regulations and notice of public hearing; correction.

**SUMMARY:** This document contains corrections to a notice of proposed rulemaking and notice of public hearing that was published in the **Federal Register** on Monday, December 29, 2008 (73 FR 79421), relating to foreign base company sales income.

**FOR FURTHER INFORMATION CONTACT:** Ethan Atticks, (202) 622–3840 (not a toll-free number).

### SUPPLEMENTARY INFORMATION:

#### Background

The notice of proposed rulemaking and notice of public hearing that is subject to these corrections are under section 954 of the Internal Revenue Code.

## Need for Correction

As published, the notice of proposed rulemaking and notice of public hearing contains errors that may prove to be misleading and are in need of correction.

## Correction of Publication

Accordingly, the publication of the notice of proposed rulemaking and notice of public hearing (REG–150066–08), which was the subject of FR Doc. E8–30729, is corrected as follows:

1. On page 79422, column 1, in the preamble under the heading Background and Explanation of Provision, the last sentence, the language “The preamble to the temporary regulations explains these proposed regulations.” is corrected to read “The preamble to the temporary regulations explains the amendments.”

2. On page 79422, column 2, in the preamble under the heading Comments and Public Hearing, the first paragraph, line 3 the language “consideration will be give to any written” is corrected to read “consideration will be given to any written”.

3. On page 79422, column 3, in the preamble under the heading Part 1—Income Taxes, instructional paragraph 2, lines 5 and 6, the language “(b)(2)(ii)(e), (b)(4) *Example (3)*, (c), and (d), and adding *Examples 8* and *9* to” is corrected to read “(b)(2)(ii)(e) and (b)(4) *Example (3)*, and adding *Examples (8)* and *(9)* to”.

4. On page 79423, column 1, § 1.954–3, the third line of *Example (8)*, the language “(8) is the same as the text of § 1.954–3T” is corrected to read “(8) is the same as the text of § 1.954–3T(b)(4)”.

5. On page 79423, column 1, § 1.954–3, the third line of *Example (9)*, the language “(9) is the same as the text of § 1.954–3T(b)(4)”.

**Guy R. Traynor,**

*Federal Register Liaison, Procedure & Administration, Associate Chief Counsel, Publications & Regulations.*

[FR Doc. E9–16192 Filed 7–8–09; 8:45 am]

**BILLING CODE 4830–01–P**

## DEPARTMENT OF DEFENSE

### Department of the Army, Corps of Engineers

### 33 CFR Part 334

### United States Navy Danger Zone, Naval Air Station North Island, San Diego, CA

**AGENCY:** U.S. Army Corps of Engineers, DoD.

**ACTION:** Notice of proposed rulemaking and request for comments.

**SUMMARY:** The U.S. Army Corps of Engineers is proposing to establish a new danger zone in the waters adjacent to the existing small arms range (SAR) on Naval Air Station North Island (NASNI) located in San Diego, California. The proposed regulation would prohibit any activity by the public within the danger zone. The new danger zone is necessary to bring the existing SAR into compliance with the Naval Facilities Engineering Command MIL–HDBK 10–27/3B by preventing any SAR ricochet rounds from posing a hazard to passing water traffic.

**DATES:** Written comments must be submitted by August 10, 2009.

**ADDRESSES:** You may submit comments, identified by docket number COE–2009–0033, by any of the following methods:

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

*E-mail:* [david.b.olson@usace.army.mil](mailto:david.b.olson@usace.army.mil). Include the docket number, COE–2009–0033, in the subject line of the message.

*Mail:* U.S. Army Corps of Engineers, Attn: CECW–CO (David B. Olson), 441 G Street, NW., Washington, DC 20314–1000.

*Hand Delivery/Courier:* Due to security requirements, we cannot receive comments by hand delivery or courier.

*Instructions:* Direct your comments to docket number COE–2009–0033. All comments received will be included in the public docket without change and may be made available on-line at <http://www.regulations.gov>, including any personal information provided, unless the commenter indicates that the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI, or otherwise protected, through [www.regulations.gov](http://www.regulations.gov) or e-mail. The [www.regulations.gov](http://www.regulations.gov) Web site is an anonymous access system, which means we will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail directly to the Corps without going through [www.regulations.gov](http://www.regulations.gov), your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, we recommend that you include your name and other contact information in the body of your

comment and with any disk or CD-ROM you submit. If we cannot read your comment because of technical difficulties and cannot contact you for clarification, we may not be able to consider your comment. Electronic comments should avoid the use of any special characters, any form of encryption, and be free of any defects or viruses.

**Docket:** For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>. All documents in the docket are listed. Although listed in the index, some information is not publicly available, such as CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form.

**FOR FURTHER INFORMATION CONTACT:** Mr. David Olson, Headquarters, Operations and Regulatory Community of Practice, Washington, DC at 202-761-4922 or Ms. Kari Coler, U.S. Army Corps of Engineers, Los Angeles District, Regulatory Division, at 760-602-4834 or Ms. Therese O'Rourke, U.S. Army Corps of Engineers, Los Angeles District, Regulatory Division, at 760-602-4830.

**SUPPLEMENTARY INFORMATION:** In response to a request from the Department of the Navy and pursuant to its authorities in Section 7 of the Rivers and Harbors Act of 1917 (40 Stat. 266; 33 U.S.C. 1) and Chapter XIX of the Army Appropriations Act of 1919 (40 Stat. 892; 33 U.S.C. 3), the Corps is proposing to amend the regulations at 33 CFR part 334 to establish a new danger zone. The proposed danger zone will prohibit access to waters adjacent to the SAR located on NASNI without prior written permission from the Commander, Navy Region Southwest or a designee, thereby ensuring that no threat is posed to passing water traffic due to ricochet rounds.

#### Procedural Requirements

a. *Review Under Executive Order 12866.* The proposed rule is issued with respect to a military function of the Defense Department and the provisions of Executive Order 12866 do not apply.

b. *Review Under the Regulatory Flexibility Act.* This proposed rule has been reviewed under the Regulatory Flexibility Act (Pub. L. 96-354) which requires the preparation of a regulatory flexibility analysis for any regulation that will have a significant economic impact on a substantial number of small entities (i.e., small businesses and small governments). Unless information is

obtained to the contrary during the public notice comment period, the Corps expects that this danger zone would have practically no economic impact on the public, and minimal anticipated navigational hazard or interference with existing waterway traffic. This proposed rule, if adopted, will have no significant economic impact on small entities.

c. *Review under the National Environmental Policy Act.* Due to the administrative nature of this action and because the proposed site for the danger zone is located in the Pacific Ocean and vessels may navigate around the prohibited area, the Corps expects that this regulation, if adopted, will not have a significant impact to the quality of the human environment and, therefore, preparation of an environmental impact statement will not be required. An environmental assessment will be prepared after the public notice period is closed and all comments have been received and considered. It may be reviewed at the District office listed at the end of the **FOR FURTHER INFORMATION CONTACT** section, above.

d. *Unfunded Mandates Act.* This proposed rule does not impose an enforceable duty among the private sector and, therefore, it is not a Federal private section mandate and it is not subject to the requirements of either section 202 or Section 205 of the Unfunded Mandates Act. We have also found under Section 203 of the Act, that small governments will not be significantly and uniquely affected by this rulemaking.

#### List of Subjects in 33 CFR Part 334

Danger zones, Marine safety, Navigation (water), Restricted areas, Waterways.

For the reasons stated in the preamble, the Corps proposes to amend 33 CFR part 334 as follows:

#### PART 334—DANGER ZONE AND RESTRICTED AREA REGULATIONS

1. The authority citation for 33 CFR part 334 continues to read as follows:

**Authority:** 40 Stat. 266 (33 U.S.C. 1) and 40 Stat. 892 (33 U.S.C. 3).

2. Add § 334.866 to read as follows:

##### **§ 334.866 Pacific Ocean, at the Naval Air Station North Island, San Diego, California; Naval Danger Zone.**

(a) *The area.* The danger zone shall encompass all navigable waters of the United States, as defined at 33 CFR part 329, in the Pacific Ocean contiguous to the existing small arms range located on Naval Air Station North Island, delineated as a 206.1 acre trapezium

(quadrilateral with no parallel sides) beginning at latitude 32°41'13" N., longitude 117°12'45" W.; thence easterly, along mean high water, to latitude 32°41'14" N., longitude 117°12'32" W.; thence southerly to latitude 32°40'31" N., longitude 117°12'12" W.; thence westerly to latitude 32°40'25" N., longitude 117°12'43" W.; thence northerly, landward, to the point of origin.

(b) *The regulations.* No person, vessel, craft, article, or thing, except those under the supervision of the military or naval authority, shall enter the area without the permission of the enforcing agency or his/her designee. The restriction shall apply at all times.

(c) *Enforcement.* The regulation in this section shall be enforced by the Commander, Navy Region Southwest, and such agencies and persons as he/she may designate.

Dated: July 2, 2009.

Approved.

**Michael G. Ensich,**

*Chief, Operations, Directorate of Civil Works.*  
[FR Doc. E9-16235 Filed 7-8-09; 8:45 am]

**BILLING CODE 3710-92-P**

#### DEPARTMENT OF VETERANS AFFAIRS

#### 38 CFR Part 17

**RIN 2900-AN15**

#### **Charges Billed to Third Parties for Prescription Drugs Furnished by VA to a Veteran for a Nonservice-Connected Disability**

**AGENCY:** Department of Veterans Affairs.  
**ACTION:** Proposed rule.

**SUMMARY:** The Department of Veterans Affairs (VA) proposes to amend its medical regulations concerning "reasonable charges" for medical care or services provided or furnished by VA to a veteran for a nonservice-connected disability. More specifically, VA proposes to amend the regulations regarding charges billed for prescription drugs not administered during treatment by changing the billing formula to reflect VA's actual drug costs for each drug rather than our current practice of using a national average drug cost for all prescriptions dispensed. The revised formula for calculating "reasonable charges" for prescription drug costs would also continue to include an average administrative cost for each prescription. The purpose is to provide VA with a more accurate billing methodology for prescription drugs.