

This rule describes procedures governing State administration of the CWC arrangement under the Federal-State UC program, which does not extend to small governmental jurisdictions. Therefore, the Department certifies that this final rule will not have a significant impact on a substantial number of small entities and, as a result, no regulatory flexibility analysis is required.

In addition, the Department certifies that this rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Act of 1996 (SBREFA). Under section 804 of SBREFA, a major rule is one that is an "economically significant regulatory action" within the meaning of Executive Order 12866. Because this final rule is not an economically significant rule under Executive Order 12866, the Department certifies that it also is not a major rule under SBREFA.

Executive Order 13045—Protection of Children From Environmental Health Risks and Safety Risks

Executive Order 13045 concerns the protection of children from environmental health risks and safety risks. This NPRM addresses UC, a program for unemployed workers, and has no impact on safety or health risks to children.

Executive Order 13175—Consultation and Coordination With Indian Tribal Governments

Executive Order 13175 addresses the unique relationship between the Federal Government and Indian tribal governments. The order requires Federal agencies to take certain actions when regulations have "tribal implications." Required actions include consulting with tribal governments prior to promulgating a regulation with tribal implications and preparing a tribal impact statement. The order defines regulations as having "tribal implications" when they have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

The Department has reviewed this NPRM and concludes that it does not have tribal implications. This regulation does not affect the relationship between the Federal Government and the tribes, nor does it affect the distribution of power and responsibilities between the Federal Government and tribal governments. Accordingly, we conclude that this rule does not have tribal

implications for the purposes of Executive Order 13175.

Executive Order 12630—Government Actions and Interference With Constitutionally Protected Property Rights

The final rule does not impose limitations on private property use as described under Executive Order 12630, Governmental Actions and the Interference with Constitutionality Protected Property Rights. It does not propose or implement licensing, permitting or other condition requirements on the use thereof, nor require dedications or exactions from owners of private property. Accordingly, we have determined this rule does not have takings implications.

Executive Order 12988—Civil Justice

This regulation has been drafted and reviewed in accordance with Executive Order 12988, Civil Justice Reform, and will not unduly burden the Federal court system. The regulation has been written so as to minimize litigation and provide a clear legal standard for affected conduct, and has been reviewed carefully to eliminate drafting errors and ambiguities.

Plain Language

The Department drafted this rule in plain language.

List of Subjects in 20 CFR Part 616

Unemployment compensation.

■ For the reasons stated in the preamble, the Department amends 20 CFR part 616 as set forth below:

PART 616—INTERSTATE ARRANGEMENT FOR COMBINING EMPLOYMENT AND WAGES

■ 1. The authority citation for 20 CFR part 616 is revised to read as follows:

Authority: 26 U.S.C. 3304(a)(9)(B); Secretary's Order No. 3–2007, Apr. 3, 2007 (72 FR 15907).

§ 616.5 [Removed]

■ 2. Remove § 616.5.

§ 616.6 [Amended]

■ 3. Revise paragraph (e) of § 616.6 to read as follows:

§ 616.6 Definitions.

* * * * *

(e) *Paying State.* A single State against which the claimant files a Combined-Wage Claim, if the claimant has wages and employment in that State's base period(s) and the claimant qualifies for unemployment benefits under the unemployment compensation law of

that State using combined wages and employment.

* * * * *

§ 616.7 [Amended]

■ 4. Add new paragraph (f) to § 616.7 of 20 CFR to read as follows:

§ 616.7 Election to file a Combined-Wage Claim.

* * * * *

(f) If a State denies a Combined-Wage Claim, it must inform the claimant of the option to file in another State in which the claimant has wages and employment during that State's base period(s).

§ 616.8 [Amended]

■ 5. In § 616.8(a) remove the words " , if any" and the words " , even if the Combined-Wage Claimant has no earnings in covered employment in that State".

* * * * *

Signed at Washington, DC, this 16th day of October 2008.

Brent R. Orrell,

Deputy Assistant Secretary for Employment and Training.

[FR Doc. E8–25097 Filed 10–22–08; 8:45 am]

BILLING CODE 4510–FW–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 589

[Docket No. FDA–2002–N–0031] (formerly Docket No. 2002N–0273)

RIN 0910–AF46

Substances Prohibited From Use in Animal Food or Feed; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a final rule that appeared in the **Federal Register** of April 25, 2008 (73 FR 22720). The document amended the agency's regulations to prohibit the use of certain cattle origin materials in the food or feed of all animals to further strengthen existing safeguards against bovine spongiform encephalopathy (BSE). The document was inadvertently published with incorrect dollar amounts in two separate areas: The summary of economic impacts and the paperwork burden table. This document corrects those errors.

DATES: Effective on April 27, 2009.

FOR FURTHER INFORMATION CONTACT: Burt Pritchett, Center for Veterinary Medicine (HFV-222), Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 240-453-6860, e-mail: burt.pritchett@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of April 25, 2008, incorrect dollar amounts were published in the document with respect to: (1) The summary of economic impacts and (2) the paperwork burden table. Regarding the economic impact of the rule, a dollar figure of \$58 million was cited as the estimated loss in annual surplus caused by import restrictions imposed on U.S. products

by other countries; the correct figure is approximately \$105 million. Regarding the paperwork burden table (Table 9), the estimated total operation and maintenance costs for annual recordkeeping was incorrectly cited as \$157,080. The estimated cost per renderer should be \$354.20, so the estimated total operation and maintenance costs for annual recordkeeping is actually \$160,275.

Therefore, in FR Doc. 08-1180, appearing on page 22720 in the **Federal Register** of Friday, April 25, 2008, the following corrections are made to the **SUPPLEMENTARY INFORMATION:**

1. On page 22737, in the first column, in the last sentence preceding the first

full paragraph, “Although we are unable to quantify the effects of this final rule on removing restrictions to foreign markets, the benefits are potentially large because the economy as a whole loses an annual surplus equal to about \$58 million from the remaining restrictions.” is corrected to read:

“Although we are unable to quantify the effects of this final rule on removing restrictions to foreign markets, the benefits are potentially large because the economy as a whole loses an annual surplus equal to about \$105 million from the remaining restrictions.”

2. On page 22753, table 9 is corrected to read:

TABLE 9.—ESTIMATED ANNUAL RECORDKEEPING BURDEN

21 CFR Section	No. of Recordkeepers	Annual Frequency per Recordkeeper	Total Annual Records	Hours per Recordkeeper	Total Hours	Operation and Maintenance Costs
589.2001(c)(2)(vi) and (c)(3)(i)	175	1	175	20	3,500	\$61,985
589.2001(c)(2)(ii)	50	1	50	20	1,000	\$17,710
589.2001(c)(3)(i)(A)	175	1	175	26	4,550	\$80,580
Total					9,050	\$160,275

3. On page 22753, in the third column, following table 9, the second complete sentence “Therefore, FDA estimates that the cost per renderer for compliance with the new requirement for establishing and maintaining written procedures will be \$340 per renderer, hence the new figure of \$17,000 as shown in Table 9 of this document.” is corrected to read:

“Therefore, FDA estimates that the cost per renderer for compliance with the new requirement for establishing and maintaining written procedures will be \$354.20 per renderer (adjusted for inflation since the October 2005 proposed rule), hence the new figure of \$17,710 as shown in Table 9 of this document.”

Dated: October 16, 2008.

Jeffrey Shuren,

Associate Commissioner for Policy and Planning.

[FR Doc. E8-25346 Filed 10-22-08; 8:45 am]

BILLING CODE 4160-01-S

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9321]

RIN 1545-BE79

Application of Section 409A to Nonqualified Deferred Compensation Plans; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction.

SUMMARY: This document contains corrections to a correcting amendment to final regulations (TD 9321) that was published in the **Federal Register** on October 7, 2008 (73 FR 58438). The final regulations relate to section 409A and nonqualified deferred compensation plans.

DATES: This correction is effective October 23, 2008.

Applicability date: April 17, 2007.

FOR FURTHER INFORMATION CONTACT: Guy R. Traynor, (202) 622-3693 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are subject to this document are under section 409A of the Internal Revenue Code.

Need for Correction

As published, the correcting amendment of September 24, 2008 (73 FR 54945) to final regulations (TD 9321) contains errors that may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of the correcting amendment to final regulations (TD 9321), which were the subject of FR Doc. E8-23652, is corrected as follows:

1. On page 58438, column 2, in the first sentence of the “Summary” section of the preamble the language “This document contains corrections to final regulations (TD 9321) which were published in the **Federal Register** on April 17, 2007 (72 FR 19323), corrected July 31, 2007 (72 FR 41620) and September 24, 2007 (72 FR 54945).”, is corrected to read “This document contains corrections to final regulations (TD 9321) which were published in the **Federal Register** on April 17, 2007 (72 FR 19323), corrected July 31, 2007 (72 FR 41620), and September 24, 2008 (73 FR 54945).”