

# Rules and Regulations

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## DEPARTMENT OF AGRICULTURE

### Food and Nutrition Service

#### 7 CFR Part 246

[FNS-2009-0001]

RIN 0584-AD71

#### Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Vendor Cost Containment; Approval of Information Collection Request

**AGENCY:** Food and Nutrition Service, USDA.

**ACTION:** Final rule; notice of approval of Information Collection Request (ICR).

**SUMMARY:** The final rule entitled Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Vendor Cost Containment was published on October 8, 2009. The Office of Management and Budget cleared the associated information collection requirements (ICR) on November 2, 2009. This document announces approval of the ICR.

**DATES:** The ICR associated with the final rule published in the **Federal Register** on October 8, 2009, at 74 FR 51745, was approved by OMB on November 2, 2009, under OMB Control Number 0584-0043.

**FOR FURTHER INFORMATION CONTACT:** Sandra Clark, Chief, Policy and Program Development Branch, Supplemental Food Programs Division, Food and Nutrition Service, USDA, 3101 Park Center Drive, Room 528, Alexandria, Virginia 22302, (703) 305-2746, or [Sandy.Clark@fns.usda.gov](mailto:Sandy.Clark@fns.usda.gov).

Dated: December 3, 2009.

**Julia Paradis,**

*Administrator, Food and Nutrition Service.*

[FR Doc. E9-30345 Filed 12-21-09; 8:45 am]

**BILLING CODE 3410-30-P**

## DEPARTMENT OF AGRICULTURE

### Food and Nutrition Service

#### 7 CFR Parts 273 and 274

#### Food Stamp Program

##### CFR Correction

In Title 7 of the Code of Federal Regulations, Parts 210 to 299, revised as of January 1, 2009, on page 778, in § 273.9, in paragraph (c)(8), move the last sentence in front of the sentence before it, and on page 892, in § 274.12, remove paragraphs (c)(1)(i) and (c)(1)(ii).

[FR Doc. E9-30502 Filed 12-21-09; 8:45 am]

**BILLING CODE 1505-01-D**

## DEPARTMENT OF HOMELAND SECURITY

#### 8 CFR Parts 1, 208, 209, 212, 214, 217, 235, 245, 274a, 286, and 299

[CIS No. 2460-08; DHS Docket No. USCIS-2008-0039]

RIN 1615-AB77

## DEPARTMENT OF JUSTICE

### Executive Office for Immigration Review

#### 8 CFR Parts 1001, 1208, 1209, 1212, 1235, 1245 and 1274a

[EOIR Docket No. 169 AG Order No. 3120-2009]

RIN 1125-AA67

#### Application of Immigration Regulations to the Commonwealth of the Northern Mariana Islands

**AGENCY:** U.S. Citizenship and Immigration Services, DHS; Executive Office for Immigration Review, DOJ.

**ACTION:** Interim final rule; correcting amendment.

**SUMMARY:** With this amendment, the Department of Homeland Security (DHS) corrects an inadvertent error that was made in the interim final rule, Application of Immigration Regulations to the Commonwealth of the Northern Mariana Islands, published in the **Federal Register** on October 28, 2009, at 74 FR 55725.

**DATES:** This rule is effective December 22, 2009.

**FOR FURTHER INFORMATION CONTACT:** Fred Ongcapin, U.S. Citizenship and Immigration Services, Department of Homeland Security, 20 Massachusetts Avenue, NW., 2nd Floor, Washington, DC 20529-2211, telephone (202) 272-8221 (not a toll-free call).

#### SUPPLEMENTARY INFORMATION:

##### Need for Correction

On October 28, 2009, the Department of Homeland Security, and Department of Justice, published an interim rule in the **Federal Register** at 74 FR 55725, implementing conforming amendments to their respective regulations to comply with the Consolidated Natural Resources Act of 2008 (CNRA). The CNRA extends the immigration laws of the United States to the Commonwealth of the Northern Mariana Islands (CNMI).

In the amendment to 8 CFR 299.1 and 8 CFR 299.5, DHS inadvertently omitted the edition date and OMB Control Number for the new Form I-9 CNMI, "CNMI Employment Eligibility Verification."

##### Correction of Publication

■ Accordingly, title 8, part 299 is corrected as follows:

#### PART 299—IMMIGRATION FORMS

##### § 299.1 [Corrected]

■ 1. In § 299.1, in the table, revise the edition date for the "Form I-9 CNMI" from "xx-xx-xx" to read: "11-12-09".

##### § 299.5 [Corrected]

■ 2. In § 299.5, in the table, revise the currently assigned OMB control number for "Form I-9 CNMI" from "1615-XXXX" to read "1615-0112".

**Christina E. McDonald,**

*Deputy Associate General Counsel for Regulatory Affairs, Department of Homeland Security.*

[FR Doc. E9-30287 Filed 12-21-09; 8:45 am]

**BILLING CODE 9111-97-P**

## DEPARTMENT OF ENERGY

### 10 CFR Part 1045

#### Nuclear Classification and Declassification

##### CFR Correction

In Title 10 of the Code of Federal Regulations, Part 500 to End, revised as

of January 1, 2009, on page 979, in § 1045.14, in paragraph (a)(1) introductory text, remove “DOE Director of Declassification” and add in its place “Director of Classification”.

[FR Doc. E9–30495 Filed 12–21–09; 8:45 am]

BILLING CODE 1505–01–D

## FARM CREDIT ADMINISTRATION

### 12 CFR Part 617

RIN 3052–AC45

#### Borrower Rights; Effective Interest Rates

AGENCY: Farm Credit Administration.

ACTION: Final rule.

**SUMMARY:** The Farm Credit Administration (FCA or we) issues a final rule amending the disclosure requirements governing what initial and subsequent disclosures a Farm Credit System (FCS or System) qualified lender must make to a borrower when the borrower’s adjustable rate loan’s interest rate is directly tied to a widely publicized external index. The final rule requires qualified lenders to include, in the initial disclosure to borrowers (at loan closing), how and where to obtain information on changes to the external index. The final rule also requires qualified lenders to make the disclosures to “existing” borrowers with adjustable rate loans directly tied to a widely publicized external index who had not previously been given the “new” initial disclosures. In addition, the final rule allows qualified lenders to send written notices of subsequent rate changes to borrowers within 45 days after the effective date of the change or as part of the borrower’s first regularly scheduled billing statement affected by the rate change.

**DATES:** *Effective Date:* This regulation will be effective 30 days after publication in the **Federal Register** during which either or both Houses of Congress are in session. We will publish a notice of the effective date in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Jacqueline R. Melvin, Policy Analyst, Office of Regulatory Policy, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4498, TTY (703) 883–4434, or Howard Rubin, Senior Counsel, Office of General Counsel, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4020, TTY (703) 883–4020.

#### SUPPLEMENTARY INFORMATION:

### I. Objective

The objective of this final rule is to ensure that borrowers with loans directly tied to a widely publicized external index receive appropriate disclosure of interest rate changes in accordance with statutory requirements while allowing System institutions to provide the notices in a more efficient manner.

### II. Background

Section 4.13(a)(4) of the Farm Credit Act of 1971, as amended (Act), requires qualified lenders to provide borrowers, for all loans not subject to the Truth in Lending Act (15 U.S.C. 1601 *et seq.*), “meaningful and timely disclosure” of any change in the interest rate applicable to the borrower’s loan within a “reasonable time after the effective date” of a change.<sup>1</sup> Under our current rules, where the borrower’s interest rate is directly tied to a widely publicized external index, qualified lenders must provide a written notice to the borrower within 45 days after the effective date of the change; where the borrower’s rate is not directly tied to a widely publicized external index, qualified lenders must send written notice within 10 days.<sup>2</sup>

On June 19, 2009 (74 FR 29143), the FCA published a proposed rule in the **Federal Register** that would amend two sections of the disclosure requirements in part 617 of FCA’s regulations. First, we proposed enhancing the initial information a qualified lender gives to borrowers with loans directly tied to a widely publicized external index. Second, we proposed that the subsequent disclosure notifying the borrower of changes in the external index be included in the first regularly scheduled billing statement after the effective date of the change. However, if the borrower’s loan closed before the proposed new initial disclosures became effective, the qualified lender would be required to provide written notice of the rate change within 45 days after the effective date of change.

<sup>1</sup> 12 U.S.C. 2199(a)(4). “Qualified lenders” include System lenders (except for a bank for cooperatives), and non-System lenders (other financing institutions (OFIs)) for loans that OFIs make with funding from a Farm Credit bank. See 12 U.S.C. 2202a(a)(6).

<sup>2</sup> 12 CFR 617.7135(a). FCA considers the nationally published commercial bank Prime Rate and the London Interbank Offered Rate (LIBOR) to be the primary examples of widely publicized external indexes. Other rates may also meet the criteria, but the qualified lender must ensure that the rate is published in a source readily available to its borrowers. See 68 FR 5587 (Feb. 4, 2003).

### III. Summary of Comments on the Proposed Rule

The FCA received comments from two Farm Credit banks and one agricultural credit association on the proposed rule. Commenters expressed concern that the new rule would add burden by requiring a “dual” disclosure regime (one disclosure system for new borrowers and one for existing borrowers). Commenters also requested clarification on what information a qualified lender must provide to a borrower with the initial disclosure.

### IV. Summary of Changes to the Final Rule

After careful review of comments received, the final rule eliminates the need for a “dual” notice regime by revising § 617.7135 to require that the new § 617.7130(b)(6) disclosures be provided to all borrowers with a loan interest rate directly tied to a widely publicized external index. The final rule gives qualified lenders the option of continuing to give borrowers the 45-day rate change notice required under the current rule or to give notice of the rate change as part of the borrower’s first regularly scheduled billing statement affected by the rate change. In addition, we also added a provision to § 617.7135 that requires qualified lenders to provide a one-time notice to applicable borrowers with adjustable rate loans directly tied to a widely publicized external index who did not previously receive the initial disclosures required by new § 617.7130(b)(6). We also made changes to the language of final § 617.7130(b)(6)(i) and (ii); these clarifications are consistent with the intent of the proposed rule and do not represent substantive changes. The comments and corresponding changes to the final rule are more fully discussed in the section-by-section analysis below.

### V. FCA’s Section-by-Section Analysis of Comments With FCA’s Response

#### A. Initial Disclosure Requirement

*Comment:* One commenter requested more guidance as to the FCA’s expectations on the level of detail that qualified lenders will be required to provide to borrowers to satisfy the initial disclosures. For example, the commenter wanted to know whether a reference to the *Wall Street Journal* or a single Web site would satisfy the requirements of the proposed rule.

*Response:* Section 617.7130(b)(1) through (b)(5) of our regulations provides qualified lenders the level of information that must be given to borrowers at loan closing regarding adjustable rate loans. We proposed