

members, producers, handlers, and other interested persons. In addition, the rule was made available through the Internet by USDA and the Office of the Federal Register. That rule provided for a 60-day comment period which ended February 15, 2008. No comments were received.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: <http://www.ams.usda.gov/fv/moab.html>. Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant material presented, including the Committee's recommendation, and other information, it is found that finalizing this interim final rule, without change, as published in the **Federal Register** (72 FR 71199) will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 985

Marketing agreements, Oils and fats, Reporting and recordkeeping requirements, Spearmint oil.

■ For the reasons set forth in the preamble, 7 CFR part 985 is amended as follows:

PART 985—MARKETING ORDER REGULATING THE HANDLING OF SPEARMINT OIL PRODUCED IN THE FAR WEST

Accordingly, the interim final rule amending 7 CFR part 985, which was published at 72 FR 71199 on December 17, 2007, is adopted as a final rule without change.

Dated: April 8, 2008.

Lloyd C. Day,

Administrator, Agricultural Marketing Service.

[FR Doc. E8-7866 Filed 4-10-08; 8:45 am]

BILLING CODE 3410-02-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 23

Damage Tolerance and Fatigue Evaluation of Structure

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; technical amendment.

SUMMARY: This action corrects a paragraph reference that appeared in the

final rule, Airworthiness Standards; Airframe Rules Based on European Joint Aviation Requirements, which the FAA published in the **Federal Register** on February 9, 1996. In that final rule, the FAA inadvertently changed a paragraph reference. The intent of this action is to correct the error in the regulation to ensure the requirement is clear and accurate.

DATES: *Effective Date:* April 11, 2008.

FOR FURTHER INFORMATION CONTACT: Pat Mullen, Regulations and Policy, ACE-111, Federal Aviation Administration, 901 Locust Street, Kansas City, MO 64106; telephone (816) 329-4111; e-mail pat.mullen@faa.gov.

SUPPLEMENTARY INFORMATION: On February 9, 1996, the FAA published in the **Federal Register** (61 FR 5147) a final rule that amended § 23.573(b) by removing the reference “§ 23.571(c)” and adding the reference “§ 23.571(a)(3)” in its place. Paragraph (a)(3) of § 23.571 does not exist, and the reference to § 23.571(c) should have remained. This document corrects § 23.573(b) to reflect the correct paragraph reference, § 23.571(c). This correction will not impose any additional requirements.

Technical Amendment

This technical amendment will correct § 23.573(b) to properly reference § 23.571(c).

Justification for Immediate Adoption

Because this action corrects an incorrect paragraph reference, the FAA finds that notice and public comment under 5 U.S.C. 553(b) is unnecessary. For the same reason, the FAA finds that good cause exists under 5 U.S.C. 553(d) for making this rule effective upon publication.

List of Subjects in 14 CFR Part 23

Aircraft, Aviation safety, Signs and symbols.

The Amendment

■ Accordingly, Title 14 of the Code of Federal Regulations (CFR) part 23 is amended as follows:

PART 23—AIRWORTHINESS STANDARDS: NORMAL, UTILITY, ACROBATIC, AND COMMUTER CATEGORY AIRPLANES

■ 1. The authority citation for part 23 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40013, 44701, 44702, 44704.

■ 2. Amend § 23.573 by revising the first sentence in paragraph (b) introductory text to read as follows:

§ 23.573 Damage tolerance and fatigue evaluation of structure.

* * * * *

(b) *Metallic airframe structure.* If the applicant elects to use § 23.571(c) or § 23.572(a)(3), then the damage tolerance evaluation must include a determination of the probable locations and modes of damage due to fatigue, corrosion, or accidental damage. * * *

* * * * *

Issued in Washington, DC, on April 7, 2008.

Pamela Hamilton-Powell,

Director, Office of Rulemaking.

[FR Doc. E8-7649 Filed 4-10-08; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[USCG-2008-0228]

Drawbridge Operation Regulations; Norwalk River, Norwalk, CT

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, First Coast Guard District, has issued a temporary deviation from the regulations governing the operation of the Washington Street S136 Bridge, across the Norwalk River, mile 0.0, at Norwalk, Connecticut. While in effect, this deviation allows the bridge owner to open only one of the two moveable spans for bridge openings. Vessels that require a full two-span bridge opening will be required to provide at least a twelve-hour advance notice by calling the bridge operator. This deviation is necessary to facilitate scheduled bridge maintenance.

DATES: This deviation is effective from April 1, 2008 through April 30, 2008.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG-2008-0228 and are available online at <http://www.regulations.gov>. They are also available for inspection or copying at two locations: 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, and the First Coast Guard District, Bridge Branch Office, One South Street, New York, New York, 10004, between 7

a.m. and 3 p.m., Monday through Friday, except Federal holidays, telephone number (212) 668-7165. The First Coast Guard District Bridge Branch Office maintains the public docket for this temporary deviation.

FOR FURTHER INFORMATION CONTACT: Judy Leung-Yee, Project Officer, First Coast Guard District, at (212) 668-7165.

SUPPLEMENTARY INFORMATION: The Washington Street S136 Bridge, across the Norwalk River, mile 0.0, at Norwalk, Connecticut, has a vertical clearance in the closed position of 9 feet at mean high water and 16 feet at mean low water. The existing regulations are listed at 33 CFR 117.217(a).

The owner of the bridge, Connecticut Department of Transportation, requested a temporary deviation to facilitate scheduled structural maintenance and painting at the bridge.

In order to perform the structural and bridge painting operations, one of the two moveable spans must remain in the closed position in order to erect paint containment and perform the required bridge maintenance.

We issued a temporary deviation (USCG-2007-0185; 73 FR 1273, Jan. 8, 2008) authorizing single leaf operation for bridge painting effective from January 2, 2008 through March 31, 2008. On March 13, 2008, the bridge owner requested that the single leaf operation for bridge painting continue through the end of April 2008, to allow completion of this project.

Under this second temporary deviation the Washington Street S136 Bridge across the Norwalk River, mile 0.0, at Norwalk, Connecticut, need open only one of the two moveable spans for bridge openings from April 1, 2008 through April 30, 2008. Vessels requiring a full two-span bridge opening may do so provided that they give at least a twelve-hour advance notice to the bridge operator by calling (203) 866-7691.

Should the bridge maintenance authorized by this temporary deviation be completed before the end of the effective period published in this notice, the Coast Guard will rescind the remainder of this temporary deviation, and the bridge shall be returned to its normal operating schedule. Notice of the above action shall be provided to the public in the Local Notice to Mariners and the **Federal Register**, where practicable.

In accordance with 33 CFR 117.35(e), the bridge must 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: April 1, 2008.

Gary Kassof,

Bridge Program Manager, First Coast Guard District.

[FR Doc. E8-7675 Filed 4-10-08; 8:45 am]

BILLING CODE 4910-15-P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 75

RIN 2900-AM63

Data Breaches

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document adopts, without change, the interim final rule that was published in the **Federal Register** on June 22, 2007, addressing data breaches of sensitive personal information that is processed or maintained by the Department of Veterans Affairs (VA). This final rule implements certain provisions of the Veterans Benefits, Health Care, and Information Technology Act of 2006. The regulations prescribe the mechanisms for taking action in response to a data breach of sensitive personal information.

DATES: *Effective Date:* April 11, 2008.

FOR FURTHER INFORMATION CONTACT: Jonelle Lewis, Office of Information Protection and Risk Management (005R), U.S. Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420. Telephone: (202) 461-6400. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: On June 22, 2007, VA published an interim final rule in the **Federal Register** (72 FR 34395). The interim final rule addressed data breaches of sensitive personal information that is processed or maintained by VA. This final rule implements 38 U.S.C. 5724 and 5727, which were enacted as part of Title IX of Public Law 109-461, the Veterans Benefits, Health Care, and Information Technology Act of 2006.

We provided a 60-day comment period that ended August 21, 2007. We received no comments. Based on the rationale set forth in the interim final rule, we adopt the provisions of the interim final rule as a final rule without any changes.

Administrative Procedure Act

This document, without change, affirms the amendment made by the interim final rule that is already in effect. The Secretary of Veterans Affairs

concluded that, under 5 U.S.C. 553, there was good cause to dispense with the opportunity for prior comment with respect to this rule. The Secretary found that it was unnecessary to delay this regulation for the purpose of soliciting prior public comment based on the statutory mandate in 38 U.S.C. 5724 to publish the amendment as an interim final rule. Nevertheless, the Secretary invited public comment on the interim final rule but did not receive any comments.

Executive Order 12866

Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory 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 Executive Order classifies a "significant regulatory action," requiring review by the Office of Management and Budget (OMB), as any regulatory action that is likely to result in a rule that may: (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (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 the Executive Order.

The economic, interagency, budgetary, legal, and policy implications of this rule have been examined and it has been determined to be a significant regulatory action under the Executive Order because it is likely to result in a rule that may raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more (adjusted annually for inflation) in any