

sales of \$11.3 billion with an average income of about \$834,000.

No impact is expected as a result of this rule, based on the fact that there is no history of U.S. imports of swine or swine products from Russia or Azerbaijan. Adding Russia and Azerbaijan to the list of regions in which ASF exists or is reasonably believed to exist will have no effect on U.S. producers or consumers.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

#### Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has retroactive effect to November 19, 2007, and January 28, 2008; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

#### Paperwork Reduction Act

This interim rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

#### List of Subjects in 9 CFR Part 94

Animal diseases, Imports, Livestock, Meat and meat products, Milk, Poultry and poultry products, Reporting and recordkeeping requirements.

■ Accordingly, we are amending 9 CFR part 94 as follows:

#### **PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), EXOTIC NEWCASTLE DISEASE, AFRICAN SWINE FEVER, CLASSICAL SWINE FEVER, AND BOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS**

■ 1. The authority citation for part 94 continues to read as follows:

**Authority:** 7 U.S.C. 450, 7701–7772, 7781–7786, and 8301–8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.4.

#### **§ 94.8 [Amended]**

■ 2. In § 94.8, the introductory text is amended by adding the word “Azerbaijan,” after the word “Armenia,” and by adding the word “Russia,” after the word “Mauritius,”.

Done in Washington, DC, this 28th day of October 2008.

**Kevin Shea,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. E8–26140 Filed 10–31–08; 8:45 am]

**BILLING CODE 3410–34–P**

## **DEPARTMENT OF THE TREASURY**

### **Office of Thrift Supervision**

#### **12 CFR Part 585**

**[OTS–2008–0017]**

**RIN 1550–AC14**

#### **Prohibited Service at Savings and Loan Holding Companies Extension of Expiration Date of Temporary Exemption**

**AGENCIES:** Office of Thrift Supervision (OTS), Treasury.

**ACTION:** Final rule.

**SUMMARY:** OTS is revising its rules implementing section 19(e) of the Federal Deposit Insurance Act (FDIA), which prohibits any person who has been convicted of any criminal offense involving dishonesty, breach of trust, or money laundering (or who has agreed to enter into a pretrial diversion or similar program in connection with a prosecution for such an offense) from holding certain positions with respect to a savings and loan holding company (SLHC). Specifically, OTS is extending the expiration date of a temporary exemption granted to persons who held positions with respect to a SLHC as of the date of the enactment of section 19(e). The revised expiration date for the temporary exemption is March 31, 2009.

**DATES:** *Effective Date:* The final rule is effective on November 3, 2008.

**FOR FURTHER INFORMATION CONTACT:** Donna Deale, Director, Holding Companies and Affiliates, Supervision Policy, (202) 906–7488, Marvin Shaw, Senior Attorney, Regulations and Legislation Division, (202) 906–6639, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

**SUPPLEMENTARY INFORMATION:** On May 8, 2007, OTS published an interim final rule adding 12 CFR part 585. This new part implemented section 19(e) of the FDIA, which prohibits any person who has been convicted of any criminal offense involving dishonesty, breach of trust, or money laundering (or who has agreed to enter into a pretrial diversion or similar program in connection with a prosecution for such an offense) from

holding certain positions with a SLHC. Section 19(e) also authorizes the Director of OTS to provide exemptions from the prohibitions, by regulation or order, if the exemption is consistent with the purposes of the statute.

The interim final rule described the actions that are prohibited under the statute and prescribed procedures for applying for an OTS order granting a case-by-case exemption from the prohibition. The rule also provided regulatory exemptions to the prohibitions, including a temporary exemption for persons who held positions with respect to a SLHC on October 13, 2006, the date of enactment of section 19(e). This temporary exemption is set to expire on November 3, 2008, unless a case-by-case exemption is filed prior to that expiration date.<sup>1</sup>

OTS is extending the expiration date of the temporary exemption to March 31, 2009. This extension will avoid needless disruptions of SLHC operations while OTS continues to review the public comments and develop a final rule addressing these comments. OTS has concluded that this extension of the exemption is consistent with the purposes of section 19(e) of the FDIA.

#### **Regulatory Findings**

##### *Notice and Comment and Effective Date*

For the reasons set out in the interim final rule,<sup>2</sup> OTS has concluded that: Notice and comment on this extension are unnecessary and contrary to the public interest under section 552(b)(B) of the Administrative Procedure Act; there is good cause for making the extension effective immediately under section 553(d) of the APA; and the delayed effective date requirements of section 302 of the Riegle Community Development and Regulatory Improvement Act of 1994 (CDRIA) do not apply.

##### *Regulatory Flexibility Act*

For the reasons stated in the interim final rule,<sup>3</sup> OTS has concluded that this extension does not require an initial regulatory flexibility analysis under the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), and that this extension should not have a significant

<sup>1</sup> This temporary exemption originally was scheduled to expire on September 5, 2007. OTS extended the expiration date to March 1, 2008, 72 FR 50644 (September 4, 2007), then to June 1, 2008, 73 FR 10985 (February 29, 2008) and most recently to November 3, 2008, 73 FR 30736 (May 29, 2008).

<sup>2</sup> 72 FR at 25953.

<sup>3</sup> 72 FR at 25953–54.

impact on a substantial number of small entities, as defined in the RFA.

#### *Paperwork Reduction Act*

OTS has determined that this extension does not involve a change to collections of information previously approved under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

#### **Unfunded Mandates Act of 1995**

For the reasons stated in the interim final rule,<sup>4</sup> OTS has determined that this extension will not result in expenditures by state, local, and tribal governments, in the aggregate, or by the private sector, of more than \$100 million in any one year.

#### **Executive Order 12866**

OTS has determined that this extension is not a significant regulatory action under Executive Order 12866.

#### **Plain Language**

Section 722 of the Gramm-Leach-Bliley Act (12 U.S.C. 4809) requires the Agencies to use “plain language” in all final rules published after January 1, 2000. OTS believes that the final rule containing the extension is presented in a clear and straightforward manner.

#### **List of Subjects in 12 CFR Part 585**

Administrative practice and procedure, Holding companies, Reporting and recordkeeping requirements, Savings associations.

#### **Authority and Issuance**

■ For the reasons in the preamble, OTS is amending part 585 of chapter V of title 12 of the Code of Federal Regulations as set forth below:

#### **PART 585—PROHIBITED SERVICE AT SAVINGS AND LOAN HOLDING COMPANIES**

■ 1. The authority citation for 12 CFR part 585 continues to read as follows:

**Authority:** 12 U.S.C. 1462, 1462a, 1463, 1464, 1467a, and 1829(e).

■ 2. In § 585.100, revise paragraph (b)(2) introductory text to read as follows:

#### **§ 585.100 Who is exempt from the prohibition under this part?**

\* \* \* \* \*

(b) \* \* \*

(2) This exemption expires on March 31, 2009, unless the savings and loan holding company or the person files an application seeking a case-by-case exemption for the person under § 585.110 by that date. If the savings and loan holding company or the person

files such an application, the temporary exemption expires on:

\* \* \* \* \*

Dated: October 29, 2008.

By the Office of Thrift Supervision.

**John M. Reich,**

*Director.*

[FR Doc. E8–26181 Filed 10–31–08; 8:45 am]

BILLING CODE 6720–01–P

#### **DEPARTMENT OF COMMERCE**

#### **Bureau of Industry and Security**

#### **15 CFR Parts 740, 772, and 774**

[Docket No. 080215206-81243-01]

RIN 0694 AE29

#### **Wassenaar Arrangement Plenary Agreements Implementation: December 2007 Categories 1, 2, 3, 5 Parts I and II, 6, 7, and 9 of the Commerce Control List, Definitions; December 2006 Solar Cells**

#### *Correction*

In rule document E8–23278 beginning on page 60910 in the issue of October 14, 2008, make the following corrections:

1. On page 60911, in the second column, under the heading **Revisions to the Commerce Control List**, in the 13th and 14th lines, “1A006 and 1A007” should read “1A006, 1A007, and 3C006”.

2. On the same page, in the same column, under the same heading, in the 18th line, “3C005, 3C006, 3D001” should read “3C005, 3D001”.

[FR Doc. Z8–23278 Filed 10–31–08; 8:45 am]

BILLING CODE 1505–01–D

#### **DEPARTMENT OF VETERANS AFFAIRS**

#### **38 CFR Part 1**

RIN 2900–AM65

#### **Disclosure of Information to Organ, Tissue and Eye Procurement Organizations**

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Final rule.

**SUMMARY:** This document adopts, with changes, a Department of Veterans Affairs (VA) interim final rule that implemented provisions of the Veterans Benefits, Health Care, and Information Technology Act of 2006 concerning disclosure of information to organ, tissue and eye procurement

organizations. The regulation will provide authority for VA to provide individually-identifiable VA medical records of veterans or dependents of veterans who are deceased or whose death is imminent to representatives of organ procurement organizations, eye banks, and tissue banks to determine whether the patients are suitable potential donors. This document modifies the interim final rule to clarify the definition of “near death” and to correct a grammatical error in the definition of “procurement organization.” This document also clarifies that eye bank and tissue bank registration with FDA must have an active status.

**DATES:** *Effective Date:* November 3, 2008.

#### **FOR FURTHER INFORMATION CONTACT:**

Stephania Putt, Veterans Health Administration (VHA) Privacy Officer, Office of Information (19F2), Veterans Health Administration, Department of Veterans Affairs, 810 Vermont Ave., NW., Washington, DC 20420, (704) 245–2492.

**SUPPLEMENTARY INFORMATION:** On August 23, 2007, the Department of Veterans Affairs (VA) published an interim final rule in the **Federal Register** (72 FR 48239) to implement section 204 of Public Law 109–461. We provided a 60-day comment period which ended on October 22, 2007. We received comments from three organizations, the American Association of Tissue Banks (AATB), the Association of Organ Procurement Organizations (AOPO), and the Eye Bank Association of America (EBAA).

AATB and EBAA commented on their support of the provisions in the Interim Final Rule in general. The support of the AATB and EBAA is welcomed.

EBAA commented on the title of the Interim Final Rule and suggested a title of “Disclosure of Information to Organ, Tissue and Eye Procurement Organizations” to provide clarification. The title of the Interim Final Rule is just a title of the regulatory packet for tracking and publication purposes; it is not the title of the actual regulations. We are amending the title of the Final Rule to provide a clear understanding of the organizations discussed in this regulation.

AOPO commented that the definition of “near death” used in the regulations was vague and recommended the use of clinical triggers in clearly defining near or imminent death. We are amending the definition of “near death” to include the use of defined clinical triggers by the health care provider when

<sup>4</sup> 72 FR at 25954.