

• *Hand Delivery/Courier*: Defense Acquisition Regulations System, Crystal Square 4, Suite 200A, 241 18th Street, Arlington, VA 22202-3402.

Comments received generally will be posted without change to <http://www.regulations.gov>, including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Benavides, 703-602-1302.

SUPPLEMENTARY INFORMATION:

A. Background

DoD published an interim rule at 72 FR 51192 on September 6, 2007, to implement Section 333 of the National Defense Authorization Act for Fiscal Year 2007 (Pub. L. 109-364). Section 333 extended, through September 30, 2009, the period during which contractor performance of security-guard functions at military installations or facilities is authorized to fulfill additional requirements resulting from the terrorist attacks on the United States on September 11, 2001, provided the total number of personnel employed to perform such functions does not exceed specified limits. DoD received no comments on the interim rule published on September 6, 2007.

Section 343 of the National Defense Authorization Act for Fiscal Year 2008 (Pub. L. 110-181) further extended the period during which contractor performance of security-guard functions at military installations or facilities is authorized, and established corresponding personnel limitations. This second interim rule amends DFARS 237.102-70 to reflect the provisions of Section 343 of Public Law 110-181.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

DoD does not expect this rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* Although the rule may provide opportunities for small business concerns to receive contracts for the performance of security-guard functions at military installations or facilities, the economic impact is not expected to be substantial. Therefore, DoD has not performed an initial regulatory flexibility analysis. DoD invites comments from small businesses and other interested parties. DoD also will consider comments from small entities concerning the affected DFARS subpart in accordance with 5 U.S.C. 610. Such

comments should be submitted separately and should cite DFARS Case 2006-D050.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply, because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

D. Determination To Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense that urgent and compelling reasons exist to publish an interim rule prior to affording the public an opportunity to comment. This interim rule implements Section 343 of the National Defense Authorization Act for Fiscal Year 2008 (Pub. L. 110-181). Section 343 extends, through September 30, 2012, the period during which contractor performance of security-guard functions at military installations or facilities is authorized to fulfill additional requirements resulting from the terrorist attacks on the United States on September 11, 2001. Section 343 also places limitations on the total number of personnel that may be employed annually under this authority. Comments received in response to this interim rule will be considered in the formation of the final rule.

List of Subjects in 48 CFR Part 237

Government procurement.

Michele P. Peterson,
Editor, Defense Acquisition Regulations System.

■ Therefore, 48 CFR part 237 is amended as follows:

PART 237—SERVICE CONTRACTING

■ 1. The authority citation for 48 CFR Part 237 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

■ 2. Section 237.102-70 is amended by revising paragraph (d)(1) introductory text and paragraphs (d)(1)(iii) and (iv) to read as follows:

237.102-70 Prohibition on contracting for firefighting or security-guard functions.

* * * * *

(d)(1) Under Section 332 of Public Law 107-314, as amended by Section 333 of Public Law 109-364 and Section 343 of Public Law 110-181, this prohibition does not apply to any contract that is entered into for any increased performance of security-guard functions at a military installation or facility undertaken in response to the

terrorist attacks on the United States on September 11, 2001, if—

* * * * *

(iii) Contract performance will not extend beyond September 30, 2012; and
(iv) The total number of personnel employed to perform security-guard functions under all contracts entered into pursuant to this authority does not exceed the following limitations:

(A) For fiscal year 2007, the total number of such personnel employed under such contracts on October 1, 2006.

(B) For fiscal year 2008, the number equal to 90 percent of the total number of such personnel employed under such contracts on October 1, 2006.

(C) For fiscal year 2009, the number equal to 80 percent of the total number of such personnel employed under such contracts on October 1, 2006.

(D) For fiscal year 2010, the number equal to 70 percent of the total number of such personnel employed under such contracts on October 1, 2006.

(E) For fiscal year 2011, the number equal to 60 percent of the total number of such personnel employed under such contracts on October 1, 2006.

(F) For fiscal year 2012, the number equal to 50 percent of the total number of such personnel employed under such contracts on October 1, 2006.

* * * * *

[FR Doc. E8-21373 Filed 9-12-08; 8:45 am]

BILLING CODE 5001-08-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 216

[Docket No. 080302357-8834-02]

RIN 0648-AT79

Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to the Explosive Removal of Offshore Structures in the Gulf of Mexico

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule, correction.

SUMMARY: This document contains a correction to the final rule governing the taking of marine mammals incidental to the explosive removal of offshore structures in the Gulf of Mexico that was published in the **Federal Register** on Thursday June 19, 2008.

DATES: This correction is effective on September 15, 2008.

FOR FURTHER INFORMATION CONTACT: Kenneth Hollingshead, NMFS, at 301-713-2289, ext 128.

SUPPLEMENTARY INFORMATION: The final rule that is the subject of this correction was published on Thursday, June 19, 2008 (73 FR 34875). That final rule contains an inadvertent error in the amendatory instruction concerning the removal of subpart R in 50 CFR part 216.

Subpart R governs the taking of marine mammals incidental to construction and operation of offshore oil and gas facilities in the Beaufort Sea. That rule was published in the **Federal Register** on March 7, 2006 (71 FR 11322), became effective on April 6, 2006, and remains in effect until April 6, 2011. The instruction that it should be "added and reserved" is in error because Subpart R exists, and will remain in effect until April 6, 2011. In addition, the amendatory instruction is not an allowable instruction under **Federal Register** format rules. Therefore, this rule removes this instruction as it is confusing to the public and is an action that was not intended by NMFS.

Classification

E.O. 12866: This final rule has been determined to be not significant under E.O. 12866.

Administrative Procedure Act (APA): The Assistant Administrator (AA) for Fisheries finds good cause under 5 U.S.C. 553 (b)(B) to waive notice and opportunity for public comments as it is contrary to the public interest. The final rule published on Thursday, June 19, 2008 (73 FR 34875) contained an inadvertent error in the amendatory instruction concerning the removal of subpart R in 50 CFR part 216. The amendatory instruction concerning the removal of subpart R in Part 216 indicated that this subpart should be "added and reserved," which was an action that was not intended by NMFS, and is not an allowable instruction under **Federal Register** format rules. As reflected in the rule that implemented the provisions of subpart R (March 7, 2006, 71 FR 11322), NMFS intended these regulations to remain in effect until April 6, 2011. In order to comply with **Federal Register** format rules and to avoid any confusion, this rule amends the June 19, 2008 final rule to delete the amendatory instruction concerning subpart R.

The AA finds good cause under 5 U.S.C. 553(d) to waive the 30-day delay in effectiveness. As stated above, NMFS

included a confusing and unallowable **Federal Register** instruction concerning subpart R in the June 19, 2008 final rule. As stated in its March 7, 2006 rule, NMFS intended subpart R to remain in effect until April 6, 2011. In order to prevent further confusion regarding the status of subpart R, the AA makes this rule effective immediately.

Correction

The following is a correction to FR Doc. E8-13898, June 19, 2008:

- 1. On page 34889 in the third column, Instruction 2, reading "Subpart R is added and reserved." is hereby removed.
- 2. On page 34889 in the third column, Instruction 3 is hereby redesignated as Instruction 2.

Dated: September 8, 2008.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. E8-21479 Filed 9-12-08; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 071004577-8124-02]

RIN 0648-XJ76

Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Inseason Action to allow use of the Ruhle Trawl in the Eastern U.S./Canada Area

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; gear restriction.

SUMMARY: NMFS announces that the Administrator, Northeast (NE) Region, NMFS (Regional Administrator) has authorized the use of an additional type of fishing gear for use by vessels fishing under a Northeast (NE) multispecies Category A Day-at-Sea (DAS) in the Eastern U.S./Canada Area. This action is authorized by the regulations implementing Amendment 13 to the NE Multispecies Fishery Management Plan (FMP) and is intended to prevent under-harvesting of the Total Allowable Catch (TAC) for Eastern Georges Bank (GB) haddock while ensuring that the TAC of Eastern GB cod and GB yellowtail flounder will not be exceeded during the 2008 fishing year (FY). This action

is being taken to provide additional opportunities for vessels to fully harvest the Eastern GB haddock TAC under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

DATES: Effective September 15, 2008, through April 30, 2009.

FOR FURTHER INFORMATION CONTACT:

Douglas Potts, Fishery Policy Analyst, (978) 281-9341.

SUPPLEMENTARY INFORMATION: On July 14, 2008, NMFS published a final rule in the **Federal Register** (73 FR 40186) approving the use of the Haddock Rope Trawl by vessels participating in either the Regular B-DAS Program or the Eastern U.S./Canada Haddock Special Access Program (SAP). A subsequent rule (73 FR 52214) renamed the Haddock Rope Trawl the "Ruhle Trawl" in honor of the late Captain Phil Ruhle, Sr., who was instrumental in its development.

Under the regulations implementing Amendment 13 to the NE Multispecies FMP, vessels fishing with trawl gear in the Eastern U.S./Canada Area must fish with either a haddock separator trawl, a flounder trawl net, or other gear approved by the Regional Administrator. The regulations at § 648.85(a)(3)(iv)(D) allow the Regional Administrator to modify these gear requirements through an in-season action in order to prevent over-harvesting or to facilitate achieving the TAC. This action approves the use of the Ruhle Trawl as a third authorized gear type for the remainder of FY 2008.

In each of the last 3 years, the Eastern U.S./Canada Area has been closed before the end of the fishing year because the TAC of either Eastern GB cod or GB yellowtail flounder had been harvested. During that period, the harvest of Eastern GB haddock has not exceeded 10 percent of the TAC. Based on current rates of harvest, a similar under-harvest of Eastern GB haddock appears likely in FY 2008. Scientific studies have demonstrated that the Ruhle Trawl is able to reduce bycatch of cod and yellowtail flounder while targeting haddock at least as effectively as the haddock separator trawl, and better than the flounder trawl net. Allowing the use of the Ruhle Trawl in the Eastern U.S./Canada Area is expected to increase landings of Eastern GB haddock, reduce discards of Eastern GB cod and GB yellowtail flounder by vessels targeting GB haddock, and result in the achievement of the Eastern GB haddock TAC during the fishing year, without exceeding it.

To encourage the use of this gear in the most selective manner, vessels