

may also be authorized as marine utility stations. Marine-utility stations on shore must not cause interference to any Automatic Identification System, VHF or coast station, VHF or UHF land mobile base station, or U.S. Government station.

■ 8. Section 80.393 is added to subpart H to read as follows:

**§ 80.393 Frequencies for AIS stations.**

Automatic Identification Systems (AIS) is a maritime broadcast service. The simplex channels at 161.975 MHz (AIS 1) and 162.025 MHz (AIS 2), each with a 25 kHz bandwidth, may be authorized in VHF Public Coast Station Areas 1–9 for AIS, and the frequency 162.025 MHz (AIS 2) also may be authorized in VHF Public Coast Station Areas 10–42 for AIS. The VHF Public Coast Station Areas are codified at 47 CFR 80.371(c)(1)(ii). In accordance with the Maritime Transportation Security Act, the United States Coast Guard regulates AIS carriage requirements for non-Federal Government ships. These requirements are codified at 33 CFR 164.46, 401.20.

[FR Doc. 06–8655 Filed 10–11–06; 8:45 am]

BILLING CODE 6712–01–P

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Parts 2 and 80**

[WT Docket No. 04–344; PR Docket No. 92–257; FCC 06–108]

**Maritime Communications**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In this document, the Commission denies a petition for reconsideration of the Automatic Identification Systems (AIS) equipment certification requirements for ship station equipment that were adopted in the *Sixth Report and Order* in PR Docket No. 92–257. The Commission concludes that there is no compelling justification for adopting domestic AIS equipment certification standards that diverge from the international standards. In support of this conclusion, the Commission notes that any such departure from the international standards would delay AIS deployment in the United States, discourage voluntary AIS carriage, and create other problems, including difficulties in AIS coordination with maritime authorities of other nations.

**DATES:** Effective October 12, 2006.

**FOR FURTHER INFORMATION CONTACT:** Jeffrey Tobias, *Jeff.Tobias@FCC.gov*,

Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau, (202) 418–0680, or TTY (202) 418–7233.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Federal Communications Commission's *Fourth Memorandum Opinion and Order*, FCC 06–108, adopted on July 20, 2006, and released on July 24, 2006. The full text of this document is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW., Washington, DC 20554. The complete text may be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY–B402, Washington, DC 20554. The full text may also be downloaded at <http://www.fcc.gov>. Alternative formats are available to persons with disabilities by sending an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or by calling the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

1. In the *Sixth Report and Order* in PR Docket No. 92–257, the Commission adopted rules providing for the certification of AIS equipment that complies with the international standards for such equipment. In a petition for reconsideration of that decision, MariTEL, Inc. (MariTEL) contended that the adopted AIS equipment certification requirements will have a devastating impact on MariTEL because the international AIS emission mask is not as rigorous as the otherwise applicable U.S. emission mask, and, more importantly, the procedures for measuring compliance with the international mask are flawed so that equipment approved as compliant may not in fact comply even with the more lenient emission mask. MariTEL further argued that, in adopting AIS equipment certification requirements that incorporate by reference the international standards for such equipment, the Commission effectively ceded its authority over domestic spectrum use to international authorities, abrogating its obligation to exercise independent judgment to determine whether a particular regulation would serve the domestic public interest.

2. The Commission agrees with MariTEL that the Commission should not incorporate international standards in its own rules automatically, without considering whether, on balance, those international standards would serve the domestic public interest. The Commission believes, however, based on the record, that it serves the public

interest for the Commission to establish AIS equipment certification standards that conform to the international standards. The adoption of U.S.-specific standards for AIS equipment could preclude the development of a seamless global AIS network and complicate international AIS coordination. This would reduce the effectiveness of AIS as a tool against terrorism. It would also reduce the value of AIS for maritime safety, especially if U.S.-certified equipment were not interoperable with AIS equipment approved under the international standards. It could also lead to the premature obsolescence of installed AIS devices meeting the international standards, and result in stranded inventory for AIS equipment manufacturers who have relied on the international standards in designing AIS devices. In addition, adoption of a separate standard could increase the costs to U.S. vessels of complying with the domestic AIS carriage requirement (and potentially also increase AIS costs for foreign-flagged vessels transiting U.S. waters) by making U.S.-approved AIS equipment more expensive and/or necessitating carriage of two different AIS devices. Adding to the cost of AIS equipment would also create a disincentive to voluntary AIS carriage, further undermining the effectiveness of AIS. Furthermore, the current record in this proceeding does not provide a basis for immediate adoption of an alternative AIS equipment standard. Therefore, if the Commission were to grant MariTEL's petition for reconsideration, it would appear that the Commission would also have to request further comment to determine precisely what standard should be adopted in part 80 in lieu of incorporating the international standards by reference. This would engender considerable uncertainty in both the maritime and the manufacturing communities, internationally as well as domestically, for a significant period of additional time. All of these factors would serve to delay and limit effective, efficient and expeditious AIS implementation in the United States, which would clearly be contrary to the public interest. On the other hand, continued reliance on the international standards in certifying AIS equipment under part 80 would permit domestic AIS deployment to proceed unabated, provide certainty to the affected entities, encourage voluntary AIS carriage, minimize the costs of AIS implementation (for the United States Government as well as private sector entities), and permit the development of a seamless global AIS network in which

the vessel monitoring capabilities of AIS are maximized.

3. MariTEL did not directly dispute these benefits. Rather, MariTEL contended that the Commission must weigh against those public interest benefits the interference to VHF Public Coast station operations that will be caused by the introduction of AIS technology as contemplated by the international standards, and the adverse impact of such interference on MariTEL's ability to develop a viable maritime communications service. However, the Commission continues to believe that MariTEL overstates the interference impact of AIS equipment authorized on the basis of international standards, and that the challenges that may be presented by such potential interference can be surmounted using existing technology. In particular, the Commission continues to disagree with MariTEL's contention that the AIS emission mask is not as stringent as the emission mask typically applicable to maritime transmitters under part 80 of the Commission's rules. The Commission concludes that the public interest benefits of conforming its part 80 rules governing the certification of AIS equipment with those used in other nations and internationally clearly outweigh the costs, and that adoption of an alternative AIS certification standard would be in derogation of the paramount public interest in maximizing homeland security and maritime safety. The Commission therefore denies MariTEL's petition for reconsideration.

#### I. Procedural Matters

##### A. Paperwork Reduction Act Analysis

1. The action contained herein has been analyzed with respect to the Paperwork Reduction Act of 1995 (PRA) and found to impose no new or modified reporting or recordkeeping requirements or burdens to the public, including businesses with fewer than 25 employees.

##### B. Report to Congress

2. The Commission will send a copy of this *Fourth Memorandum Opinion and Order* in a report to be sent to Congress and the General Accounting Office pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A).

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

[FR Doc. E6-16844 Filed 10-11-06; 8:45 am]

BILLING CODE 6712-01-P

## DEPARTMENT OF DEFENSE

### Department of the Army

#### 48 CFR Parts 5125 and 5152

##### Contractor Personnel Deployment

**AGENCY:** Department of the Army, DoD.

**ACTION:** Final Rule.

**SUMMARY:** This action removes regulations pertaining to the deployment of contractor personnel in support of military operations. The regulations are superseded by a higher regulation, Defense Federal Acquisition Regulation Supplement (DFARS) Subpart 225.74, Defense Contractors Outside the United States.

**DATES:** *Effective Date:* Effective October 12, 2006.

**FOR FURTHER INFORMATION CONTACT:** Mr. Steve Jaren, (703) 604-7105.

##### SUPPLEMENTARY INFORMATION:

#### A. Background

In the November 28, 2003 issue of the *Federal Register* (68 FR 66738 and 68 FR 66740), the Department of the Army issued two interim final rules to add 48 CFR part 5125, section 5125.74-9000 and amend 48 CFR part 5152. Subsequent amendments to the DFARS, on May 5, 2005 (70 FR 23790) and June 16, 2006 (71 FR 34826), added DoD policy addressing situations that require contractor personnel to provide in-theater support to United States military forces engaged in contingency, humanitarian or peacekeeping, or certain other operations outside the United States, and incorporated significant terminology from the Army Federal Acquisition Regulation Supplement (AFARS), rendering the regulations at 48 CFR part 5125 and 48 CFR 5152.225-74-9000 obsolete.

#### B. Regulatory Flexibility Act

These rules will not 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., because the rules add no new requirements for contractors. These rules remove AFARS text that has become unnecessary as a result of policy that was added to the DFARS.

#### C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rules do 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.

#### List of Subjects in 48 CFR Parts 5125 and 5152

Government contracts, Government procurement.

■ Accordingly, for reasons stated in the preamble, under the authority of 5 U.S.C. 301, 10 U.S.C. 2202, DoD Directive 5000.35, FAR 1.301, and DoD FAR Supplement 201.3, 48 CFR part 5125 is removed.

#### PART 5152—SOLICITATIONS PROVISIONS AND CONTRACT CLAUSES

■ 1. The authority citation for part 5152 continues to read as follows:

**Authority:** 5 U.S.C. 301, 10 U.S.C. 2202, DoD Directive 5000.35, and DoD FAR Supplement 201.301.

**5152.225-74-9000 [Removed]**

■ 2. Section 5152.225-74-9000 is removed.

[FR Doc. 06-8563 Filed 10-11-06; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 622

[Docket No. 060525140-6221-02; I.D. 092606D]

#### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Closure of the 2006 Golden Tilefish and Snowy Grouper Commercial Fisheries

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

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS closes the commercial fisheries for golden tilefish and snowy grouper in the exclusive economic zone (EEZ) of the South Atlantic. NMFS has determined that the golden tilefish and snowy grouper quotas for the commercial fisheries will have been reached by October 23, 2006. This closure is necessary to protect the golden tilefish and snowy grouper resources.

**DATES:** Closure is effective 12:01 a.m., local time, October 23, 2006, until 12:01 a.m., local time, on January 1, 2007.

**FOR FURTHER INFORMATION CONTACT:** Jason Rueter, telephone 727-824-5350, fax 727-824-5308, e-mail [Jason.Rueter@noaa.gov](mailto:Jason.Rueter@noaa.gov).