

the Office of Information and Regulatory Affairs within OMB.

*B. Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b))*

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. DHS has certified that there is good cause for this interim final rule to be issued without prior notice and comment. In these circumstances an initial regulatory flexibility analysis is not required. In addition, this rule interprets legislation and is not subject to agency discretion. DHS thus certifies that this rule will not have a significant impact on a substantial number of small entities. DHS will, however, consider comments from small entities concerning the affected HSAR Part(s) in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately in writing to Kathy Strouss, the Office of the Chief Procurement Officer at [Kathy.Strouss@dhs.gov](mailto:Kathy.Strouss@dhs.gov) and should cite to 5 U.S.C. 601, *et seq.* (HSAR case 2008-001), in the subject matter line of the correspondence.

*C. Paperwork Reduction Act of 1995 (44 U.S.C., Chapter 35)*

This regulatory action will not impose any additional reporting or recordkeeping requirements under the Paperwork Reduction Act.

*D. Federalism (Executive Order 13132)*

This regulatory action does not have Federalism implications, as set forth in Executive Order 13132. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

**List of Subjects in 48 CFR Parts 3001, 3002, 3009, and 3013**

Government procurement.

Dated: May 19, 2008.

**Thomas W. Essig,**

*Chief Procurement Officer, Department of Homeland Security.*

■ For the reasons stated in the preamble, the Department of Homeland Security amends 48 CFR parts 3001, 3002, 3009, and 3013 as follows:

■ 1. The authority citation for 48 CFR parts 3001, 3002, 3009, and 3013 continues to read as follows:

**Authority:** 41 U.S.C. 418b(a) and (b).

**PART 3001—FEDERAL ACQUISITION REGULATION SYSTEM**

■ 2. Revise section 3001.104(b) to read as follows:

**3001.104 Applicability.**

\* \* \* \* \*

(b) The Transportation Security Administration (TSA) exception to this regulation is authorized by the Aviation and Transportation Security Act of 2001 (ATSA) (section 101(a) of Public Law 107-71, as implemented at section 114(o) of title 49) for contracts awarded by TSA pursuant to this ATSA authority. The Consolidated Appropriations Act of 2008, Public Law 110-161, Division E, Title V, section 568 eliminates ATSA section 114(o) effective June 23, 2008. Accordingly, TSA acquisitions initiated after June 22, 2008 are subject to 48 CFR Chapters 1 and 30.

\* \* \* \* \*

■ 3. Revise section 3001.105-2(a) to read as follows:

**3001.105-2 Arrangement of regulations.**

(a) General. The HSAR, which encompasses both Department-wide and Component-unique guidance, conforms to the arrangement and numbering system prescribed by (FAR) 48 CFR 1.105-2. Guidance that is unique to a Component contains the organization's acronym or abbreviation directly following the title. The following acronyms apply:

DHS Office of Procurement Operations (OPO);  
Federal Emergency Management Agency (FEMA);  
Federal Law Enforcement Training Center (FLETC);  
Transportation Security Administration (TSA);  
U.S. Coast Guard (USCG);  
U.S. Customs and Border Protection (CBP);  
U.S. Immigration and Customs Enforcement (ICE); and  
U.S. Secret Service (USSS).

**PART 3002—DEFINITIONS OF WORDS AND TERMS**

■ 4. Amend section 3002.101 by revising the definition for "Component" to read as follows:

**3002.101 Definitions.**

\* \* \* \* \*

*Component* means the following entities for purposes of this chapter:

(1) DHS Office of Procurement Operations (OPO);

(2) Federal Emergency Management Agency (FEMA);

(3) Federal Law Enforcement Training Center (FLETC);

(4) Transportation Security Administration (TSA), for acquisitions initiated after June 22, 2008;

(5) U.S. Coast Guard (USCG);

(6) U.S. Customs and Border Protection (CBP);

(7) U.S. Immigration and Customs Enforcement (ICE); and

(8) U.S. Secret Service (USSS).

\* \* \* \* \*

**PART 3009—CONTRACTOR QUALIFICATIONS**

■ 5. Remove and reserve section 3009.507 to read as follows:

**3009.507 Solicitation provision and contract clause. [Reserved]**

**PART 3013—SIMPLIFIED ACQUISITION PROCEDURES**

**3013.70 [Removed and reserved]**

■ 6. Remove section 3013.70.

[FR Doc. E8-11560 Filed 5-23-08; 8:45 am]

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 679**

[Docket No. 071106671-8010-02]

RIN 0648-X113

**Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska**

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

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS is prohibiting directed fishing for species that comprise the shallow-water species fishery by vessels using trawl gear in the Gulf of Alaska (GOA). This action is necessary because the second seasonal apportionment of the 2008 Pacific halibut bycatch allowance specified for the shallow-water species fishery in the GOA has been reached.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), May 21, 2008, through 1200 hrs, A.l.t., July 1, 2008.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Hogan, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The second seasonal apportionment of the 2008 Pacific halibut bycatch allowance specified for the shallow-water species fishery in the GOA is 100 metric tons as established by the 2008 and 2009 harvest specifications for groundfish of the GOA (73 FR 10562, February 27, 2008), for the period 1200 hrs, A.l.t., April 1, 2008, through 1200 hrs, A.l.t., July 1, 2008.

In accordance with § 679.21(d)(7)(i), the Administrator, Alaska Region, NMFS, has determined that the second seasonal apportionment of the 2008 Pacific halibut bycatch allowance specified for the trawl shallow-water species fishery in the GOA has been reached. Consequently, NMFS is prohibiting directed fishing for the shallow-water species fishery by vessels using trawl gear in the GOA. The species and species groups that comprise the shallow-water species fishery are pollock, Pacific cod, shallow-water flatfish, flathead sole, Atka mackerel, skates and "other species." This inseason adjustment does not apply to fishing for pollock by vessels using pelagic trawl gear in those portions of the GOA open to directed fishing for pollock. This inseason adjustment does not apply to vessels fishing under a cooperative quota permit in the cooperative fishery in the Rockfish Pilot Program for the Central GOA.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

#### Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries

data in a timely fashion and would delay the closure of the shallow-water species fishery by vessels using trawl gear in the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of May 20, 2008.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.21 and is exempt from review under Executive Order 12866.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: May 21, 2008.

**Emily H. Menashes,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 680

[Docket No. 080516675-8677-01]

RIN 0648-AW88

#### Fisheries of the Exclusive Economic Zone Off Alaska; Allocating Bering Sea and Aleutian Islands King and Tanner Crab Fishery Resources; Correction

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

**ACTION:** Final rule; correcting amendment.

**SUMMARY:** NMFS issues this final rule, a correcting amendment to the regulations governing the Bering Sea and Aleutian Islands crab fisheries. This action is necessary to correct a rule that was published on March 2, 2005 (70 FR 10173). This final rule is intended to promote the goals and objectives of the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs, the Magnuson-Stevens Fishery Conservation and Management Act, and other applicable law.

**DATES:** Effective June 26, 2008.

**FOR FURTHER INFORMATION CONTACT:** Glenn Merrill, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** Bering Sea and Aleutian Islands (BSAI) crab fisheries are managed under the

authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) in accordance with the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs (FMP). In January 2004, the U.S. Congress amended section 313(j) of the Magnuson-Stevens Act through the Consolidated Appropriations Act of 2004 (Public Law 108-199, section 801). As amended, section 313(j)(1) requires the Secretary of Commerce to approve and implement by regulation the Crab Rationalization Program (Program), as it was approved by the North Pacific Fishery Management Council (Council) between June 2002 and April 2003, and all trailing amendments, including those reported to Congress on May 6, 2003. In June 2004, the Council consolidated its actions on the Program into one Council motion, which is contained in its entirety in Amendment 18 to the FMP. Additionally, in June 2004, the Council developed Amendment 19 to the FMP, which represents minor changes necessary to implement the Program.

The Notice of Availability for these amendments was published in the **Federal Register** on September 1, 2004 (69 FR 53397). NMFS published a proposed rule to implement Amendments 18 and 19 on October 29, 2004 (69 FR 63200). NMFS approved Amendments 18 and 19 on November 19, 2004. NMFS published a final rule to implement Amendments 18 and 19 on March 2, 2005 (70 FR 10174). Shortly thereafter, NMFS also published a final rule (March 18, 2005; 70 FR 13097) to correct OMB control numbers provided in the March 2, 2005 final rule, and a second final rule (June 8, 2005; 70 FR 33390) to ensure that the March 2, 2005 final rule conforms to the statutory requirements and intent of the Program, to provide clarification regarding the Program's regulatory requirements, and to correct minor technical errors.

#### Need for Corrections

With this correction, NMFS seeks to ensure that the March 2, 2005 final rule conforms to the statutory requirements and intent of the Program. The March 2, 2005 final rule implemented regulations that establish the maximum amount of individual processing quota (IPQ) that may be issued in the Bristol Bay red king crab *Paralithodes camtschatica* (BBR) quota share (QS) fishery, and the Bering Sea snow crab *Chionoecetes opilio* (BSS) QS fishery. However, NMFS recently discovered that these regulations are not consistent with the statutory requirements of the Program.

Section 3.4 of Amendment 18 to the FMP limited the maximum amount of