

### List of Subjects in 48 CFR Parts 501, 549, and 552

Government procurement.

Dated: August 6, 2008.

Al Matera,

Director, Office of Acquisition Policy.

Therefore, GSA proposes to amend 48 CFR parts 501, 549 and 552 as set forth below:

#### PART 501—GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION SYSTEM

1. The authority citation for 48 CFR part 501 continues to read as follows:

**Authority:** 40 U.S.C. 121(c).

##### 501.106 [Amended]

2. Amend section 501.106 by removing the GSAR Reference “549.502(b)” and corresponding OMB Control Number “3090-0027”; and removing the GSAR Reference “552.249-71” and corresponding OMB Control Number “3090-0227”.

#### PART 549—TERMINATION OF CONTRACTS

3. The authority citation for 48 CFR part 549 is revised to read as follows:

**Authority:** 40 U.S.C. 121(c).

##### 549.5 [Removed]

4. Remove subpart 549.5.

##### 549.502 [Removed]

5. Remove section 549.502.

#### PART 552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

6. The authority citation for 48 CFR part 552 continues to read as follows:

**Authority:** 40 U.S.C. 121(c).

##### 552.249-70 and 552.249-71 [Removed]

7. Remove sections 552.249-70 and 552.249-71.

[FR Doc. E8-18722 Filed 8-12-08; 8:45 am]

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### DEPARTMENT OF TRANSPORTATION

#### Federal Railroad Administration

##### 49 CFR Part 214

[Docket No. FRA-2008-0059, Notice No. 2]

RIN 2130-AB93

#### Railroad Workplace Safety; Adjacent-Track On-Track Safety for Roadway Workers

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation (DOT).

**ACTION:** Notice of proposed rulemaking (NPRM); withdrawal.

**SUMMARY:** On July 17, 2008, FRA published an NPRM in the **Federal Register** addressing adjacent-track on-track safety procedures for roadway workers. For the reasons stated below, FRA has decided to withdraw the NPRM.

**DATES:** The NPRM published on July 17, 2008 at 73 FR 41214 is withdrawn as of August 13, 2008.

**FOR FURTHER INFORMATION CONTACT:** Kenneth Rusk, Staff Director, Track Division, Office of Safety Assurance and Compliance, FRA, 1200 New Jersey Avenue, SE., RRS-15, Mail Stop 25, Washington, DC 20590 (telephone 202-493-6236); or Anna Winkle, Trial Attorney, Office of Chief Counsel, FRA, 1200 New Jersey Avenue, SE., RCC-12, Mail Stop 10, Washington, DC 20590 (telephone 202-493-6166 or 202-493-6052).

**SUPPLEMENTARY INFORMATION:** The NPRM was developed in order to respond to fatal train incidents and in response to recommendations from the Railroad Safety Advisory Committee (RSAC). The NPRM was published with an abbreviated comment period in order to address the issue in a more timely fashion, in response to a joint petition for Emergency Order that was filed by the Brotherhood of Maintenance of Way Employes Division (BMWED) and the Brotherhood of Railroad Signalmen (BRS). However, since the publication of the NPRM, FRA received a joint request from BMWED and BRS that FRA extend the comment period for this NPRM to 60 days, due to concern that parts of the NPRM failed to accurately capture the consensus recommendations of the RSAC.<sup>1</sup> The joint request did not specify

which parts of the NPRM failed to reflect the consensus recommendations, and no formal comments have been submitted by the BMWED or BRS to that effect. However, there have been several “ex parte” communications subsequent to the filing of the joint request in which a representative of the BMWED has recommended that FRA make very specific changes to the proposed rule. In accordance with the Department of Transportation’s Policy (Order No. 2100.2 (1970)), all communications between FRA employees and other parties since the publication of the NPRM have been reduced to writing and placed in the public docket.

It should be noted that while the proposed rule text was intended to be responsive to the intent of the consensus language recommended to FRA by the RSAC, FRA may not delegate its rulemaking authority to a committee, and may choose to accept or reject any or all of the consensus proposals for cause stated. However, in consideration of the assistance provided by the RSAC, FRA does endeavor to ensure that FRA representatives to the consensus process reflect the policies of the Federal Railroad Administrator. In reviewing the consensus language, there were several areas that FRA thought needed clarification in order to ensure uniform application of the law, as well as enforceability of the consensus language if it were to be adopted as written. In crafting the NPRM, FRA presented the RSAC consensus language in the preamble verbatim and transparently explained its rationale for all changes it made to the consensus language. As this was an NPRM, FRA sought comment on the entire proposal, including those portions that FRA sought to clarify.

FRA recognizes that inadvertent errors do sometimes occur in formulating a proposal and expects that interested parties would provide comments to both FRA and all other interested parties through the established comment process detailed in the NPRM. Given the alleged discrepancies between the consensus language and the proposed rule, the need to clarify the essential issues and move toward resolution of the safety concern at hand, and the ex parte communications regarding this proposed rule, FRA has decided to withdraw this rulemaking and will take such further regulatory steps as safety requires. The docket for this rulemaking has been closed. Any formal comments submitted on this NPRM will need to be resubmitted by the commenter, if still applicable, to a future rulemaking docket.

<sup>1</sup> FRA notes that extending the comment period to September 15, 2008, would remove all possibilities of any final rule becoming effective prior to the fourth quarter (October–December), in which the majority of the adjacent-track fatalities have occurred.

Issued in Washington, DC on August 7, 2008.

**Joseph H. Boardman,**  
*Administrator.*

[FR Doc. E8-18714 Filed 8-11-08; 10:00 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 600

[Docket No. 070717348-7766-02]

RIN 0648-AV60

#### Magnuson-Stevens Act Provisions; Annual Catch Limits; National Standard Guidelines

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

**ACTION:** Proposed rule, extension of comment period.

**SUMMARY:** NMFS extends the public comment period on the proposed rule to revise National Standard 1 (NS1) guidelines, including guidance on how to comply with new annual catch limit (ACL) and accountability measures (AM) requirements for ending overfishing of fisheries managed by federal fishery management plans. NMFS has received various requests to extend the comment period for the proposed rule beyond its current 90-day comment period. The extension of the comment period for another two weeks

is intended to ensure that NMFS provides adequate time for various stakeholders and members of the public to comment on the proposed guidance on ACLs and AMs and other proposed revisions to the NS1 guidelines. The comment period ending date is extended from September 8, 2008, to September 22, 2008.

**DATES:** Comments must be received on or before September 22, 2008.

**ADDRESSES:** You may submit comments, identified by 0648-AV60, by any of the following methods:

- Electronic submissions: Submit all electronic public comments via the Federal e-Rulemaking portal: <http://www.regulations.gov>;
- Fax: 301-713-1193, Attn: Mark Millikin;
- Mail: Mark R. Millikin, National Marine Fisheries Service, NOAA, Office of Sustainable Fisheries, 1315 East-West Highway, Room 13357, Silver Spring, MD 20910 (mark outside of envelope "Comments on Annual Catch Limits proposed rule");

Instructions: All comments received are a part of the public record and will be generally posted to <http://www.regulations.gov> without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

NMFS will accept anonymous comments (enter N/A in the required fields, if you wish to remain anonymous). Attachments to electronic

comments will be accepted in Microsoft Word, Excel, Wordperfect, or Adobe PDF file formats only.

Copies of the Regulatory Impact review (RIR)/Regulatory Flexibility Act analysis (RFAA) for this proposed rule are available from Mark R. Millikin at the address listed above. The RIR/RFAA document is also available via the internet at <http://www.nmfs.noaa.gov/msa2007/catchlimits.htm>.

**FOR FURTHER INFORMATION CONTACT:**

Mark R. Millikin, Senior Fishery Management Specialist, 301-713-2341.

**SUPPLEMENTARY INFORMATION:**

A proposed rule that covers NMFS' proposed revisions to the NS1 guidelines, including guidance on ACLs and AMs was published in the **Federal Register** on June 9, 2008 (73 FR 32526), with a comment period ending date of September 8, 2008. After receiving several requests to extend the comment period, NMFS has decided to extend it for another two weeks through September 22, 2008.

This action extends the comment period for a proposed rule that the Office of Management and Budget determined to be significant under Executive Order 12866.

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

Dated: August 8, 2008.

**John Oliver,**

*Deputy Assistant Administrator for Operations, National Marine Fisheries Service.*

[FR Doc. E8-18756 Filed 8-12-08; 8:45 am]

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