

# Rules and Regulations

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## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 7 CFR Part 301

[Docket No. APHIS-2007-0157]

#### Karnal Bunt; Removal of Regulated Areas in Texas

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Affirmation of interim rule as final rule.

**SUMMARY:** We are adopting as a final rule, without change, an interim rule that amended the Karnal bunt regulations to remove certain areas or fields in Baylor, Knox, Throckmorton, and Young Counties, TX, from the list of regulated areas based on our determination that those fields or areas meet our criteria for release from regulation. The interim rule was necessary to relieve restrictions that are no longer necessary.

**DATES:** Effective on September 5, 2008, we are adopting as a final rule the interim rule published at 73 FR 18701-18703 on April 7, 2008.

**FOR FURTHER INFORMATION CONTACT:** Dr. Matthew H. Royer, Associate Director, Emergency and Domestic Programs, PPQ, APHIS, 4700 River Road Unit 26, Riverdale, MD 20737-1234; (301) 734-7819.

#### SUPPLEMENTARY INFORMATION:

##### Background

In an interim rule<sup>1</sup> effective and published in the **Federal Register** on April 7, 2008 (73 FR 18701-18703, Docket No. APHIS-2007-0157), we amended the Karnal bunt regulations

contained in Subpart-Karnal Bunt (7 CFR 301.78 through 301.78-10) by removing certain areas or fields in Baylor, Knox, Throckmorton, and Young Counties, TX, from the list of regulated areas in § 301.89-3(g). That action was based on our determination that these fields or areas are eligible for release from regulations under the criteria in § 301.89-3(f). The interim rule relieved restrictions on fields within those areas that were no longer necessary.

Comments on the interim rule were required to be received on or before June 6, 2008. We received one comment by that date, from a State agricultural agency. The commenter supported the action taken in the interim rule. Therefore, for the reasons given in the interim rule, we are adopting the interim rule as a final rule without change.

This action also affirms the information contained in the interim rule concerning Executive Order 12866 and the Regulatory Flexibility Act, Executive Orders 12372 and 12988, and the Paperwork Reduction Act.

Further, for this action, the Office of Management and Budget has waived its review under Executive Order 12866.

#### List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

#### PART 301—DOMESTIC QUARANTINE NOTICES

■ Accordingly, we are adopting as a final rule, without change, the interim rule that amended 7 CFR Part 301 and that was published at 73 FR 18701-18703 on April 7, 2008.

Done in Washington, DC, this 29th day of August 2008.

**Kevin Shea,**

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

[FR Doc. E8-20622 Filed 9-4-08; 8:45 am]

**BILLING CODE 3410-34-P**

## DEPARTMENT OF AGRICULTURE

### Cooperative State Research, Education, and Extension Service

#### 7 CFR Part 3430

#### Competitive and Noncompetitive Non-formula Grant Programs—General Grant Administrative Provisions and Program-Specific Administrative Provisions for the Specialty Crop Research Initiative

**AGENCY:** Cooperative State Research, Education, and Extension Service, USDA.

**ACTION:** Interim rule; correction and comment period extension.

**SUMMARY:** The Cooperative State Research, Education, and Extension Service (CSREES) published on August 1, 2008, an interim final rule concerning one set of administrative requirements that contain elements common to all of the competitive and noncompetitive non-formula grant programs the Agency administers. That document contained an invalid E-mail address for the submission of comments. This document adds a valid E-mail address and extends the comment period for 30 days.

**DATES:** The comment period for the interim rule published August 1, 2008 (73 FR 44897), effective August 1, 2008, is extended until October 30, 2008.

**ADDRESSES:** You may submit comments, identified by RIN 0524-AA28, by any of the following methods:

*Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

*E-mail:* [Policy@csrees.usda.gov](mailto:Policy@csrees.usda.gov). Include Regulatory Information Number (RIN) number 0524-AA28 in the subject line of the message.

*Fax:* 202-401-7752.

*Mail:* Paper, disk or CD-ROM submissions should be submitted to Cooperative State Research, Education, and Extension Service, U.S. Department of Agriculture, STOP 2299, 1400 Independence Avenue, SW., Washington, DC 20250-2299.

*Hand Delivery/Courier:* Cooperative State Research, Education, and Extension Service, U.S. Department of Agriculture, Room 2258, Waterfront Centre, 800 9th Street, SW., Washington, DC 20024.

<sup>1</sup> To view the interim rule and the comment we received, go to <http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2007-0157>.

**Instructions:** All submissions received must include the agency name and the RIN for this rulemaking. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

**FOR FURTHER INFORMATION CONTACT:** Erin Daly, Policy Section Leader, Office of Extramural Programs, Cooperative State Research, Education, and Extension Service, U.S. Department of Agriculture, STOP 2299, 1400 Independence Avenue, SW., Washington, DC 20250-2299; Voice: 202-401-3319; Fax: 202-401-7752; E-mail: [edaly@csrees.usda.gov](mailto:edaly@csrees.usda.gov).

**SUPPLEMENTARY INFORMATION:** This correction is to replace an invalid E-mail address listed in the **ADDRESSES** section of the original document and to extend the comment period listed in the **DATES** section of the original document an additional 30 days. The correct address and comment submission instruction is: *E-mail: Policy@csrees.usda.gov*. Include Regulatory Information Number (RIN) number 0524-AA28 in the subject line of the message. The extended comment end period is October 30, 2008.

Done at Washington, DC, this 29th day of August, 2008.

**Gale Buchanan,**

*Under Secretary, Research, Education, and Economics.*

[FR Doc. E8-20562 Filed 9-4-08; 8:45 am]

**BILLING CODE 3410-22-P**

## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

#### 15 CFR Part 774

[Docket No. 080211156-8157-01]

RIN 0694-AE24

#### Clarification of the Classification of Crew Protection Kits on the Commerce Control List

**AGENCY:** Bureau of Industry and Security, Commerce.

**ACTION:** Final rule.

**SUMMARY:** The Bureau of Industry and Security (BIS) is amending the Export Administration Regulations (EAR) to clarify that crew protection kits used as protective cabs on construction equipment are on the Wassenaar Arrangement Munitions List and are correctly classified on the Commerce Control List in the entry that applies to construction equipment built to military specifications.

**DATES:** Effective date is September 5, 2008.

**ADDRESSES:** You may submit comments, identified by RIN 0694-AE24, by any of the following methods:

- *E-mail:* [rp2@bis.doc.gov](mailto:rp2@bis.doc.gov). Include "RIN 0694-AE24" in the subject line of the message.
- *Fax:* 202-482-3355.
- *Hand Delivery/Courier:* U.S.

Department of Commerce, Bureau of Industry and Security, Regulatory Policy Division, 14th & Pennsylvania Avenue, NW., Room 2705, Washington, DC 20230, ATTN: RIN 0694-AE24.

**FOR FURTHER INFORMATION CONTACT:** Gene Christiansen, Office of National Security and Technology Transfer Controls, telephone: (202) 482-2984.

**SUPPLEMENTARY INFORMATION:**

BIS is amending the Export Administration Regulations (EAR) to add the phrase "crew protection kits" to Export Control Classification Number (ECCN) 0A018.a. This ECCN is used to control items that are listed on the Wassenaar Arrangement Munitions List (WAML). Specifically, the WAML category ML-17.b lists construction equipment "specially designed for military use." On the Commerce Control List (CCL), ECCN 0A018.a controls items listed in category ML-17.b as "construction equipment built to military specifications."

Recently, the Departments of Commerce, State, and Defense reviewed ECCN 0A018.a and concluded that although crew protection kits are covered by the phrase "[c]onstruction equipment built to military specifications \* \* \* and specially designed parts and accessories therefor" as set forth in that ECCN, it would enhance the ECCN's clarity if crew protection kits were added explicitly to the ECCN's text. Crew protection kits are items that can be used as protective cabs on construction equipment to help protect crews operating in a military or otherwise hostile environment. To facilitate public understanding that crew protection kits are considered construction equipment built to military specifications, the Departments of Commerce, State, and Defense agreed to include specific reference to these kits in the descriptive text of ECCN 0A018.a.

Therefore, this regulation amends ECCN 0A018.a to include crew protection kits in the descriptive language of that paragraph. Moreover, this regulation makes slight changes to the language of ECCN 0A018.a to further clarify that the items listed are all considered to be construction equipment built to military specifications, and thus are all

controlled by that ECCN. These changes do not create new export controls for crew protection kits.

Although the Export Administration Act expired on August 20, 2001, the President, through Executive Order 13222 of August 17, 2001, 3 CFR, 2001 Comp., p. 783 (2002), as extended by the Notice of July 23, 2008, 73 FR 43603 (July 25, 2008), has continued the Export Administration Regulations in effect under the International Emergency Economic Powers Act.

#### Rulemaking Requirements

1. This rule has been determined to be not significant for purposes of Executive Order 12866.

2. Notwithstanding any other provision of law, no person is required to respond to nor be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This regulation contains a collection previously approved by the OMB under control numbers 0694-0088, "Multi-Purpose Application," which carries a burden hour estimate of 58 minutes to prepare and submit form BIS-748. Miscellaneous and recordkeeping activities account for 12 minutes per submission. BIS expects that this rule will not change that burden hour estimate.

3. This rule does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

4. Pursuant to 5 U.S.C. 553(a)(1), the provisions of the Administrative Procedure Act requiring a notice of proposed rulemaking and the opportunity for public comment are waived, because this regulation involves a military or foreign affairs function of the United States. No other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under the Administrative Procedure Act or by any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable. Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis. Comments should be submitted via courier or via hand delivery to