

SUPPLEMENTARY INFORMATION: On October 29, 2008, at 73 FR 64208, VA published an interim final rule amending 38 CFR 3.304(f) to relax the requirement for establishing service connection for PTSD that was diagnosed in service. We added a new paragraph to provide that, if the evidence shows that a veteran's PTSD was diagnosed during service and the claimed stressor is related to that service, in the absence of clear and convincing evidence to the contrary, and provided that the claimed stressor is consistent with the circumstances, conditions, or hardships of the veteran's service, the veteran's lay testimony alone may establish the occurrence of the claimed in-service stressor.

We provided a 30-day comment period that ended November 28, 2008. We received one comment. The commenter supported the relaxed standards for providing benefits for veterans who were diagnosed with PTSD while in service, but objected to requiring a veteran to show a stressor consistent with the circumstances, conditions, or hardships of the veteran's service. The commenter felt that the requirement was especially troublesome in a theater of combat such as Iraq where combat is experienced by troops with varying military occupational specialties and who, because of the circumstances of their service, may not be able to corroborate or establish the circumstances or conditions of their stressors.

We make no change based on this comment. The language to which the commenter objects is mandated by 38 U.S.C. 1154(a). Section 1154(a) requires VA to include in regulations pertaining to service connection of disabilities provisions requiring VA to consider "the places, types, and circumstances" of a veteran's service when deciding a claim for service connection. Also, the inclusion of that language in the regulation makes it parallel to 38 U.S.C. 1154(b) in ensuring that the stressor claim is plausible in light of what is known of the veteran's service.

VA appreciates the comment submitted in response to the interim final rule. Based on the rationale stated in the interim final rule and in this document, we now affirm as a final rule the amendments made by the interim final rule.

Administrative Procedure Act

This document affirms without any changes amendments made by an interim final rule that is already in effect. Accordingly, we have concluded under 5 U.S.C. 553 that there is good cause for dispensing with a delayed

effective date based on the conclusion that such procedure is impracticable, unnecessary, and contrary to the public interest.

Paperwork Reduction Act

This document contains no provisions constituting a collection of information under the Paperwork Reduction Act (44 U.S.C. 3501–3521).

Regulatory Flexibility Act

The Secretary hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. This final rule would not affect any small entities. Only VA beneficiaries could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), this final rule is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

Executive Order 12866

Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). The Executive Order classifies a "significant regulatory action," requiring review by the Office of Management and Budget (OMB), as any regulatory action that is likely to result in a rule that may: (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

The economic, interagency, budgetary, legal, and policy implications of this final rule have been examined, and it has been determined not to be a significant regulatory action under Executive Order 12866.

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that

agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in an expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more (adjusted annually for inflation) in any year. This final rule would have no consequential effect on State, local, and tribal governments, or on the private sector.

Catalog of Federal Domestic Assistance Numbers and Titles

The Catalog of Federal Domestic Assistance program numbers and titles for this rule are 64.109, Veterans Compensation for Service-Connected Disability and 64.110, Veterans Dependency and Indemnity Compensation for Service-Connected Death.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Disability benefits, Health care, Pensions, Radioactive materials, Veterans, Vietnam.

Approved: March 23, 2009.

John R. Gingrich,

Chief of Staff, Department of Veterans Affairs.

Part 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

The interim final rule amending 38 CFR Part 3 that was published at 73 FR 64208 on October 29, 2008, is adopted as a final rule without change.

[FR Doc. E9–7229 Filed 3–30–09; 8:45 am]

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DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 52

[FAC 2005–31; FAR Case 2006–032; Item I; Docket 2007–0002; Sequence 11]

RIN 9000–AK78

Federal Acquisition Regulation; FAR Case 2006–032, Small Business Size Rerepresentation

Correction

In rule document E9–5871 beginning on page 11821 in the issue of Thursday,

March 19, 2009 make the following corrections:

52.212-5 [Corrected]

1. On page 11825, in the third column, in 52.212-5, in the clause, “CONTRACT TERMS AND CONDITIONS REQUIRED TO IMPLEMENT STATUTES OR EXECUTIVE ORDERS—COMMERCIAL ITEMS (MAR 2009)”

should read

“CONTRACT TERMS AND CONDITIONS REQUIRED TO IMPLEMENT STATUTES OR EXECUTIVE ORDERS—COMMERCIAL ITEMS (APR 2009)”.

2. In the same clause, in the same section, paragraph (b)(16) is printed to read as set forth below:

(b) * * *

(16) 52.219-28, Post Award Small Business Program Rerepresentation (APR 2009) (15 U.S.C. 632(a)(2)).

52.219-28 [Corrected]

3. On page 11825, in the third column, in 52.219-28, in the clause, “POST-AWARD SMALL BUSINESS PROGRAM REREPRESENTATION (MAR 2009)”

should read

“POST-AWARD SMALL BUSINESS PROGRAM REREPRESENTATION (APR 2009)”.

[FR Doc. Z9-5871 Filed 3-30-09; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 0810141351-9087-02]

RIN 0648-XO11

Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; closures and openings.

SUMMARY: NMFS is announcing the opening and closing dates of the Amendment 80 cooperative's Atka mackerel directed fishery within the harvest limit area (HLA) in Statistical

Areas 542 and 543 (Area 542 and Area 543), and the opening and closing dates of the BSAI Trawl Limited Access Atka mackerel directed fishery within the harvest limit area (HLA) in Statistical Area 542. This action is necessary to fully use the 2009 A season HLA limits of Atka mackerel in Areas 542 and 543 of the Bering Sea and Aleutian Islands management area (BSAI).

DATES: The directed fishery in the HLA for Area 542 by the Amendment 80 cooperative vessels authorized to participate in the first HLA fishery in Area 542, opens effective 1200 hrs, A.l.t., March 27, 2009, through 1200 hrs, A.l.t., April 6, 2009.

The directed fishery in the HLA for Area 542 by the Amendment 80 cooperative vessels authorized to participate in the second HLA fishery in area 542, opens effective 1200 hrs, A.l.t., April 7, 2009, through 1200 hrs, A.l.t., April 15, 2009.

The directed fishery in the HLA for Area 542 by the BSAI Trawl Limited Access vessels authorized to participate in the first HLA fishery in Area 542, opens effective 1200 hrs, A.l.t., March 27, 2009, through 1200 hrs, A.l.t., April 6, 2009.

The directed fishery in the HLA for Area 543 by the Amendment 80 cooperative vessels authorized to participate in the first HLA fishery in Area 543, opens effective 1200 hrs, A.l.t., March 27, 2009, through 1200 hrs, A.l.t., April 6, 2009.

Comments must be received at the following address no later than 4:30 p.m., A.l.t., April 10, 2009.

ADDRESSES: Send comments to Sue Salvesson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, Attn: Ellen Sebastian. You may submit comments, identified by “RIN 0648-XO11,” by any one of the following methods:

- Electronic Submissions: Submit all electronic public comments via the Federal eRulemaking Portal website at <http://www.regulations.gov>.

- Mail: P. O. Box 21668, Juneau, AK 99802.

- Fax: (907) 586-7557.

- Hand delivery to the Federal Building: 709 West 9th Street, Room 420A, Juneau, AK.

All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. All Personal Identifying Information (e.g., name, address) 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 portable document file (pdf) formats only.

FOR FURTHER INFORMATION CONTACT:

Mary Furuness, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (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.

In accordance with the final 2009 and 2010 harvest specifications for groundfish in the BSAI (74 FR 7359, February 17, 2009) the HLA limit of the A season allowance of the 2009 TAC for Atka mackerel in Area 542 is 3,314 metric tons (mt) and in Area 543 is 1,739 mt for the Amendment 80 cooperative. For BSAI trawl Limited Access in Area 542, the HLA limit of the A season allowance of the 2009 TAC for Atka mackerel is 348 mt. NMFS previously announced the opening and closing dates of the first and second directed fisheries within the HLA in Statistical Areas 542 and 543 (74 FR 5625, January 30, 2009) and (74 FR 8216, February 24, 2009). NMFS has determined that approximately 1,111 mt of Atka mackerel remain in the A season HLA limit in Area 542 and approximately 1,726 mt of Atka mackerel remain in the A season HLA limit in Area 543 for vessels participating in the Amendment 80 cooperative. NMFS has also determined that approximately 273 mt of Atka mackerel remain in the A season HLA limit in Area 542 for vessels participating in the BSAI Trawl Limited Access fishery. Therefore, in accordance with § 679.25(a)(1)(i), (a)(2)(i)(C) and (a)(2)(iii)(D), and to fully utilize the A season HLA limits of Atka mackerel in Areas 542 and 543, NMFS is terminating the previous closures and is opening directed fishing for Atka mackerel in the HLA of Areas 542 and 543 for Amendment 80 cooperative vessels authorized to participate in the first HLA fishery in Areas 542 and 543. NMFS is also terminating the previous closure and is opening directed fishing for Atka mackerel in the HLA of Area