

Service	Lake Ontario
Six-Hour Period .....	\$818
Docking or Undocking .....	780

**§ 401.407 Basic rates and charges on Lake Erie and the navigable waters from Southeast Shoal to Port Huron, MI.**

\* \* \* \* \*

(a) Area 4 (Undesignated Waters):

Service	Lake Erie (east of Southeast Shoal)	Buffalo
Six-Hour Period	\$722	\$722
Docking or Undocking .....	557	557

Service	Lake Erie (east of Southeast Shoal)	Buffalo
Any Point on the Niagara River below the Black Rock Lock .....	N/A	1,420

(b) Area 5 (Designated Waters):

■ 3. In § 401.407 revise paragraphs (a) and (b), including the footnote to Table (b), to read as follows:

Any point on or in	Southeast Shoal	Toledo or any point on Lake Erie west of Southeast Shoal	Detroit River	Detroit pilot boat	St. Clair River
Toledo or any port on Lake Erie west of Southeast Shoal	\$2,199	\$1,299	\$2,855	\$2,199	N/A
Port Huron Change Point .....	<sup>1</sup> 3,829	<sup>1</sup> 4,436	2,877	2,237	1,591
St. Clair River .....	<sup>1</sup> 3,829	N/A	2,877	2,877	1,299
Detroit or Windsor or the Detroit River .....	2,198	2,855	1,299	N/A	2,877
Detroit Pilot Boat .....	1,590	2,199	N/A	N/A	2,877

<sup>1</sup> When pilots are not changed at the Detroit Pilot Boat.

■ 4. In § 401.410, revise paragraphs (a), (b), and (c) to read as follows:

**§ 401.410 Basic rates and charges on Lakes Huron, Michigan, and Superior, and the St. Mary's River.**

\* \* \* \* \*

(a) Area 6 (Undesignated Waters):

Service	Lakes Huron and Michigan
Docking or Undocking .....	592
Six-Hour Period .....	\$623

Service	Lakes Huron and Michigan
Docking or Undocking .....	592

(b) Area 7 (Designated Waters):

Area	De Tour	Gros Cap	Any harbor
Gros Cap .....	\$2,443	N/A	N/A
Algoma Steel Corporation Wharf at Sault Ste. Marie Ontario .....	2,443	920	N/A
Any point in Sault Ste. Marie, Ontario, except the Algoma Steel Corporation Wharf .....	2,048	920	N/A
Sault Ste. Marie, MI .....	2,048	920	N/A
Harbor Movage .....	N/A	N/A	\$920

(c) Area 8 (Undesignated Waters):

Service	Lake Superior
Six-Hour Period .....	\$549
Docking or Undocking .....	522

**§ 401.420 [Amended]**

■ 5. In § 401.420—

■ a. In paragraph (a), remove the number “\$102” and add, in its place, the number “\$113”; and remove the number “\$1,604” and add, in its place, the number “\$1,777”.

■ b. In paragraph (b), remove the number “\$102” and add, in its place, the number “\$113”; and remove the number “\$1,604” and add, in its place, the number “\$1,777”.

■ c. In paragraph (c)(1), remove the number “\$606” and add, in its place, the number “\$671”; in paragraph (c)(3), remove the number “\$102” and add, in its place, the number “\$113”; and, also in paragraph (c)(3), remove the number

“\$1,604” and add, in its place, the number “\$1,777”.

**§ 401.428 [Amended]**

■ 6. In § 401.428, remove the number “\$618” and add, in its place, the number “\$684”.

Dated: July 13, 2009.

**Kevin S. Cook,**

*Rear Admiral, U.S. Coast Guard, Director of Prevention Policy.*

[FR Doc. E9-17229 Filed 7-20-09; 8:45 am]

**BILLING CODE 4910-15-P**

**DEPARTMENT OF DEFENSE**

**Defense Acquisition Regulations System**

**48 CFR Part 212**

**RIN 0750-AG23**

**Defense Federal Acquisition Regulation Supplement; Acquisition of Commercial Items (DFARS Case 2008-D011)**

**AGENCY:** Defense Acquisition Regulations System, Department of Defense (DoD).

**ACTION:** Interim rule; correction.

**SUMMARY:** DoD is making a correction to the interim rule published at 74 FR 34263 on July 15, 2009, which amended the Defense Federal Acquisition Regulation Supplement (DFARS) to address the conditions under which a time-and-materials or labor-hour contract may be used for the acquisition

of commercial items. This correction clarifies the types of services to which the rule applies.

**DATES:** *Effective date:* July 21, 2009.

**FOR FURTHER INFORMATION CONTACT:** Ms. Angie Sawyer, Defense Acquisition Regulations System, OUSD (AT&L) DPAP (DARS), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone 703-602-8384; facsimile 703-602-7887.

**SUPPLEMENTARY INFORMATION:** The interim rule published at 74 FR 34263 on July 15, 2009, amended the DFARS to implement Sections 805 and 815 of the National Defense Authorization Act for Fiscal Year 2008 (Pub. L. 110-181). The rule specified the conditions under which a time-and-materials or labor-hour contract may be used for the acquisition of commercial items. This correction clarifies the types of services to which the rule applies, consistent with subsections (c)(1)(A) and (c)(1)(C)(i) of Section 805 of Public Law 110-181.

#### List of Subjects in 48 CFR Part 212

Government procurement.

**Michele P. Peterson,**

*Editor, Defense Acquisition Regulations System.*

■ Accordingly, the interim rule published at 74 FR 34263 on July 15, 2009, is corrected as follows:

#### PART 212—ACQUISITION OF COMMERCIAL ITEMS

■ 1. The authority citation for 48 CFR Part 212 continues to read as follows:

**Authority:** 41 U.S.C. 421 and 48 CFR Chapter 1.

■ 2. Section 212.207 is amended by revising paragraphs (b)(i) and (b)(iii)(A) to read as follows:

##### 212.207 Contract type.

(b) \* \* \*

(i) Services acquired for support of a commercial item, as described in paragraph (5) of the definition of *commercial item* at FAR 2.101 (41 U.S.C. 403(12)(E)).

\* \* \* \* \*

(iii) \* \* \*

(A) The services to be acquired are commercial services as defined in paragraph (6) of the definition of *commercial item* at FAR 2.101 (41 U.S.C. 403(12)(F));

\* \* \* \* \*

[FR Doc. E9-17321 Filed 7-20-09; 8:45 am]

**BILLING CODE 5001-08-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No.070817467-8554-02]

RIN 0648-XQ36

#### Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Limited Access General Category Scallop Fishery to Individual Fishing Quota Scallop Vessels

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

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS announces that the Limited Access General Category (LAGC) Scallop Fishery will close to individual fishing quota (IFQ) scallop vessels (including vessels issued an IFQ letter of authorization (LOA) to fish under appeal), until it re-opens on September 1, 2009, under current regulations. This action is based on the determination that the second quarter scallop total allowable catch (TAC) for LAGC IFQ scallop vessels is projected to be landed. This action is being taken to prevent IFQ scallop vessels from exceeding the 2009 second quarter TAC, in accordance with the regulations implementing Amendment 11 to the Atlantic Sea Scallop Fishery Management Plan (FMP), enacted by Framework 19 to the FMP, and the Magnuson-Stevens Fishery Conservation and Management Act. **DATES:** The closure of the LAGC fishery to all IFQ scallop vessels is effective 0001 hr local time, July 19, 2009, through August 31, 2009.

**FOR FURTHER INFORMATION CONTACT:** Don Frei, Fishery Management Specialist, (978) 281-9221, fax (978) 281-9135.

**SUPPLEMENTARY INFORMATION:** Regulations governing fishing activity in the LAGC fishery are found at §§ 648.59 and 648.60. Regulations specifically governing IFQ scallop vessel operations in the LAGC fishery are specified at § 648.53(a)(8)(iii). These regulations authorize vessels issued a valid IFQ scallop permit to fish in the LAGC fishery under specific conditions, including a TAC. The TACs were established by the final rule that implemented Framework 19 to the FMP (73 FR 30790 May 29, 2008) and included a TAC of 1,836,010 lb (832.347

kg) that may be landed by IFQ vessels during the second quarter of the 2009 fishing year. The regulations at § 648.53(a)(8)(iii) require the LAGC fishery to be closed to IFQ vessels once the NMFS Northeast Regional Administrator has determined that the TAC is projected to be landed.

Based on the number of IFQ vessel trips, dealer reporting and vessel pre-landing reports through Vessel Monitoring Systems (VMS), and other information, a projection concluded that, given current activity levels by IFQ scallop vessels in the area, 1,836,010 lb (832.347 kg) will have been landed on July 19, 2009. Therefore, effective 0001 hours on July 19, 2009, no IFQ scallop vessel fishing under LAGC regulations may declare its intent to enter the fishery and may not fish for, possess, or retain any scallops. IFQ scallop vessels will not be allowed to fish for, possess, or retain scallops, or declare, or initiate, a scallop trip following this closure for the remainder of the 2009 second quarter, ending on August 31, 2009. Therefore, in accordance with the regulations at § 648.53(a)(8)(iii), the LAGC scallop fishery is closed to all IFQ vessels as of 0001 hr local time, July 19, 2009. The LAGC scallop fishery will re-open to IFQ scallop vessels on September 1, 2009.

#### Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

This action closes the LAGC scallop fishery to all IFQ scallop vessels until September 1, 2009. The regulations at § 648.53(a)(8)(iii) require such action to ensure that IFQ scallop vessels do not exceed the 2009 second quarter TAC. The LAGC scallop fishery opened for the second quarter of the 2009 fishing year at 0001 hours on June 1, 2009. Data indicating the IFQ scallop fleet has landed all of the 2009 second quarter TAC have only recently become available. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause pursuant to 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment because it would be contrary to the public interest to allow a period public comment. If implementation of this closure is delayed to solicit prior public comment, the quota for this quarter will be exceeded, thereby undermining the conservation objectives of the FMP. Also, if the magnitude of any overage is significant, it would warrant a decrease in the fourth quarter quota. This would have a negative economic impact on vessels that fish seasonally in that period. The AA further finds, pursuant