

**Authority:** 47 U.S.C. 154, 303, 334, 336.

### § 73.202 [Amended]

■ 2. Section 73.202(b), the Table of FM Allotments under Colorado, is amended by removing Channel 275C3 and adding Channel 247C3 at DeBeque.

Federal Communications Commission.

**Andrew J. Rhodes,**

*Senior Counsel, Allocations Audio Division, Media Bureau.*

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## DEPARTMENT OF DEFENSE

### Defense Acquisition Regulations System

#### 48 CFR Parts 202, 212, and 234

#### Defense Federal Acquisition Regulation Supplement; Acquisition of Commercial Items (2008-D011)

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

**ACTION:** Interim rule; delay in confirmation as final.

**SUMMARY:** DoD adopted as final, without change, effective August 20, 2010, the interim rule that amended the Defense Federal Acquisition Regulation Supplement (DFARS) to implement sections 805 and 815 of the National Defense Authorization Act for Fiscal Year 2008. Subsequently, public comments on the interim rule were located, which had not been addressed in finalization of the interim rule. These public comments must be addressed in the formulation of a final rule.

**DATES:** The interim rule published at 74 FR 34263 on July 15, 2009, as corrected at 74 FR 35825 on July 21, 2009, remains unconfirmed as final until further notice. When appropriate, Defense Acquisition Regulations System will publish announcement of final adoption in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Ms. Cassandra R. Freeman, Defense Acquisition Regulations System, OUSD (AT&L) DPAP/DARS, 3060 Defense Pentagon, Room 3B855, Washington, DC 20301-3060. Telephone 703-602-8383; facsimile 703-602-0350. Please cite DFARS Case 2008-D011.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

DoD published an interim rule at 74 FR 34263 on July 15, 2009, to implement sections 805 and 815 of the National Defense Authorization Act

(NDAA) for Fiscal Year 2008 (Pub. L. 110-181). A correction to the interim rule was published at 74 FR 35825 on July 21, 2009, to clarify the types of services to which this rule applies, consistent with subsections (c)(1)(A) and (c)(1)(C)(i) of section 805 of the NDAA for Fiscal Year 2008. Section 805 specified when time-and-materials or labor-hour contracts may be used for commercial item acquisitions.

Upon publication of the final rule in the **Federal Register** at 75 FR 51416 on August 20, 2010, DoD was notified of several public comments that were submitted timely but were not received by DoD or considered in the formulation of the final rule. Therefore, publication of the finalization of the interim rule was premature. At this time, DoD must address the public comments received and consider whether or not there is any impact on the regulations currently in effect. Upon completion of an analysis of the public comments received, DoD will publish another document that will either (1) finalize the interim rule without change, or (2) publish a final rule incorporating the changes resulting from consideration of the public comments. Accordingly, the interim rule published at 74 FR 34263 on July 15, 2009, as corrected at 74 FR 35825 on July 21, 2009, remains in effect until such time as DoD publishes a subsequent document to finalize the interim rule.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

#### List of Subjects in 48 CFR Parts 202, 212, and 234

Government procurement.

**Ynette R. Shelkin,**

*Editor, Defense Acquisition Regulations System.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 100201058—0260—02]

RIN 0648-XY22

#### Fisheries of the Northeastern United States; Spiny Dogfish Fishery; Commercial Period 1 Quota Harvested

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Temporary rule; closure of spiny dogfish fishery.

**SUMMARY:** NMFS announces that the spiny dogfish commercial quota available to the coastal states from Maine through Florida for the first semi-annual quota period, May 1, 2010 — October 31, 2010, has been harvested. Therefore, effective 0001 hours, August 27, 2010, federally permitted spiny dogfish vessels may not fish for, possess, transfer, or land spiny dogfish until November 1, 2010, when the Period 2 quota becomes available. Regulations governing the spiny dogfish fishery require publication of this notification to advise the coastal states from Maine through Florida that the quota has been harvested and to advise vessel permit holders and dealer permit holders that no Federal commercial quota is available for landing spiny dogfish in these states. This action is necessary to prevent the fishery from exceeding its Period 1 quota and to allow for effective management of this stock.

**DATES:** Quota Period 1 for the spiny dogfish fishery is closed effective at 0001 hr local time, August 27, 2010, through 2400 hr local time October 31, 2010. Effective August 27, 2010, federally permitted dealers are also advised that they may not purchase spiny dogfish from federally permitted spiny dogfish vessels.

**FOR FURTHER INFORMATION CONTACT:** Lindsey Feldman at (978) 675-2179, or [Lindsey.Feldman@noaa.gov](mailto:Lindsey.Feldman@noaa.gov).

**SUPPLEMENTARY INFORMATION:** Regulations governing the spiny dogfish fishery are found at 50 CFR part 648. The regulations require annual specification of a commercial quota, which is allocated into two quota periods based upon percentages specified in the fishery management plan. The fishery is managed from Maine through Florida, as described in § 648.230.

The initial total commercial quota for spiny dogfish for the 2010 fishing year is 15 million lb (6,803.89 mt) (74 FR 36012, June 24, 2010). The commercial quota is allocated into two periods (May 1 through October 31, and November 1 through April 30). Vessel possession limits are set at 3,000 lb (1.36 mt) for both Quota Periods 1 and 2. Quota Period 1 is allocated 8,685,000 lb (3,943.45 mt), and Quota Period 2 is allocated 6,315,000 lb (2,864.44 mt) of the commercial quota. The total quota cannot be exceeded, so landings in excess of the amount allocated to Period

1 have the effect of reducing the quota available to the fishery during Period 2.

The Administrator, Northeast Region, NMFS (Regional Administrator) monitors the commercial spiny dogfish quota for each quota period and, based upon dealer reports, state data, and other available information, determines when the total commercial quota will be harvested. NMFS is required to publish a notification in the **Federal Register** advising and notify commercial vessels and dealer permit holders that, effective upon a specific date, the Federal spiny dogfish commercial quota has been harvested and no Federal commercial quota is available for landing spiny dogfish for the remainder of that quota period.

Section 648.4(b) provides that Federal spiny dogfish permit holders agree, as a condition of the permit, not to land spiny dogfish in any state after NMFS has published notification in the **Federal Register** that the commercial quota has been harvested and that no

commercial quota for the spiny dogfish fishery is available. Therefore, effective 0001 hr local time, August 27, 2010, landings of spiny dogfish in coastal states from Maine through Florida by vessels holding commercial Federal fisheries permits will be prohibited through October 31, 2010, 2400 hr local time. The 2010 Period 2 quota will be available for commercial spiny dogfish harvest on November 1, 2010. Effective August 27, 2010, federally permitted dealers are also advised that they may not purchase spiny dogfish from vessels issued Federal spiny dogfish permits that land in coastal states from Maine through Florida.

#### **Classification**

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

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. This action closes the spiny dogfish fishery until November 1, 2010, under current regulations. The regulations at § 648.231 require such action to ensure that spiny dogfish vessels do not exceed the 2010 Period 1 quota. Data indicating the spiny dogfish fleet will have landed the 2010 Period 1 quota have only recently become available. If implementation of this closure is delayed to solicit prior public comment, the quota for Period 1 will be exceeded, thereby undermining the conservation objectives of the FMP. The AA further finds, pursuant to 5 U.S.C. 553(d)(3), good cause to waive the 30-day delayed effectiveness period for the reasons stated above.

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

Dated: August 23, 2010.

**Carrie Selberg,**

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

[FR Doc. 2010-21382 Filed 8-24-10; 4:15 pm]

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