

the vessel monitoring capabilities of AIS are maximized.

3. MariTEL did not directly dispute these benefits. Rather, MariTEL contended that the Commission must weigh against those public interest benefits the interference to VHF Public Coast station operations that will be caused by the introduction of AIS technology as contemplated by the international standards, and the adverse impact of such interference on MariTEL's ability to develop a viable maritime communications service. However, the Commission continues to believe that MariTEL overstates the interference impact of AIS equipment authorized on the basis of international standards, and that the challenges that may be presented by such potential interference can be surmounted using existing technology. In particular, the Commission continues to disagree with MariTEL's contention that the AIS emission mask is not as stringent as the emission mask typically applicable to maritime transmitters under part 80 of the Commission's rules. The Commission concludes that the public interest benefits of conforming its part 80 rules governing the certification of AIS equipment with those used in other nations and internationally clearly outweigh the costs, and that adoption of an alternative AIS certification standard would be in derogation of the paramount public interest in maximizing homeland security and maritime safety. The Commission therefore denies MariTEL's petition for reconsideration.

## I. Procedural Matters

### A. Paperwork Reduction Act Analysis

1. The action contained herein has been analyzed with respect to the Paperwork Reduction Act of 1995 (PRA) and found to impose no new or modified reporting or recordkeeping requirements or burdens to the public, including businesses with fewer than 25 employees.

### B. Report to Congress

2. The Commission will send a copy of this *Fourth Memorandum Opinion and Order* in a report to be sent to Congress and the General Accounting Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

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## DEPARTMENT OF DEFENSE

### Department of the Army

#### 48 CFR Parts 5125 and 5152

#### Contractor Personnel Deployment

**AGENCY:** Department of the Army, DoD.

**ACTION:** Final Rule.

**SUMMARY:** This action removes regulations pertaining to the deployment of contractor personnel in support of military operations. The regulations are superseded by a higher regulation, Defense Federal Acquisition Regulation Supplement (DFARS) Subpart 225.74, Defense Contractors Outside the United States.

**DATES:** *Effective Date:* Effective October 12, 2006.

**FOR FURTHER INFORMATION CONTACT:** Mr. Steve Jaren, (703) 604-7105.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

In the November 28, 2003 issue of the *Federal Register* (68 FR 66738 and 68 FR 66740), the Department of the Army issued two interim final rules to add 48 CFR part 5125, section 5125.74-9000 and amend 48 CFR part 5152. Subsequent amendments to the DFARS, on May 5, 2005 (70 FR 23790) and June 16, 2006 (71 FR 34826), added DoD policy addressing situations that require contractor personnel to provide in-theater support to United States military forces engaged in contingency, humanitarian or peacekeeping, or certain other operations outside the United States, and incorporated significant terminology from the Army Federal Acquisition Regulation Supplement (AFARS), rendering the regulations at 48 CFR part 5125 and 48 CFR 5152.225-74-9000 obsolete.

##### B. Regulatory Flexibility Act

These rules will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, et seq., because the rules add no new requirements for contractors. These rules remove AFARS text that has become unnecessary as a result of policy that was added to the DFARS.

##### C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rules do not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, et seq.

#### List of Subjects in 48 CFR Parts 5125 and 5152

Government contracts, Government procurement.

■ Accordingly, for reasons stated in the preamble, under the authority of 5 U.S.C. 301, 10 U.S.C. 2202, DoD Directive 5000.35, FAR 1.301, and DoD FAR Supplement 201.3, 48 CFR part 5125 is removed.

#### PART 5152—SOLICITATIONS PROVISIONS AND CONTRACT CLAUSES

■ 1. The authority citation for part 5152 continues to read as follows:

**Authority:** 5 U.S.C. 301, 10 U.S.C. 2202, DoD Directive 5000.35, and DoD FAR Supplement 201.301.

**5152.225-74-9000 [Removed]**

■ 2. Section 5152.225-74-9000 is removed.

[FR Doc. 06-8563 Filed 10-11-06; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 622

[Docket No. 060525140-6221-02; I.D. 092606D]

#### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Closure of the 2006 Golden Tilefish and Snowy Grouper Commercial Fisheries

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

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS closes the commercial fisheries for golden tilefish and snowy grouper in the exclusive economic zone (EEZ) of the South Atlantic. NMFS has determined that the golden tilefish and snowy grouper quotas for the commercial fisheries will have been reached by October 23, 2006. This closure is necessary to protect the golden tilefish and snowy grouper resources.

**DATES:** Closure is effective 12:01 a.m., local time, October 23, 2006, until 12:01 a.m., local time, on January 1, 2007.

**FOR FURTHER INFORMATION CONTACT:** Jason Rueter, telephone 727-824-5350, fax 727-824-5308, e-mail [Jason.Rueter@noaa.gov](mailto:Jason.Rueter@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The snapper-grouper fishery of the South Atlantic is managed under the Fishery Management Plan for the Snapper-Grouper Resources of the South Atlantic (FMP). The FMP was prepared by the South Atlantic Fishery Management Council and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622. Those regulations set the commercial quota for golden tilefish in the South Atlantic at 295,000 lb (133,810 kg), gutted weight (GW), and 151,000 lb (68,492 kg), GW, for snowy grouper for the current fishing year, January 1 through December 31, 2006.

Under 50 CFR 622.43(a), NMFS is required to close the commercial fishery for a species or species group when the quota for that species or species group is reached, or is projected to be reached, by filing a notification to that effect in the **Federal Register**. Based on current statistics, NMFS has determined that the available commercial quota of 295,000 lb (133,810 kg), GW, for golden tilefish and 151,000 lb (68,492 kg), GW, for snowy grouper will be reached on or before October 23, 2006. Accordingly, NMFS is closing the commercial golden tilefish and snowy grouper fisheries in the South Atlantic EEZ from 12:01 a.m., local time, on October 23, 2006, until 12:01 a.m., local time, on January 1, 2007. The operator of a vessel with a valid commercial vessel permit for South Atlantic snapper-grouper having golden tilefish and/or snowy grouper aboard must have landed and bartered, traded, or sold such golden tilefish and/or snowy grouper prior to 12:01 a.m., local time, October 23, 2006.

During the closure, the appropriate bag limits specified in 50 CFR 622.39(d)(1) and the applicable possession limits specified in 50 CFR 622.39(d)(2) apply to all harvest or possession of golden tilefish and snowy grouper in or from the South Atlantic EEZ, and the sale or purchase of golden tilefish or snowy grouper taken from the EEZ is prohibited. The prohibition on sale or purchase does not apply to sale or purchase of golden tilefish or snowy grouper that were harvested, landed ashore, and sold prior to 12:01 a.m., local time, October 23, 2006, and were held in cold storage by a dealer or processor.

#### Classification

This action responds to the best available information recently obtained from the fisheries. The Assistant Administrator for Fisheries, NOAA, finds that the need to immediately

implement this action to close the fisheries constitutes good cause to waive the requirements to provide prior notice and opportunity for public comment pursuant to the authority set forth in 5 U.S.C. 553(b)(3)(B), as such procedures would be unnecessary and contrary to the public interest. Similarly, there is a need to implement these measures in a timely fashion to prevent an overrun of the commercial quotas of South Atlantic golden tilefish and snowy grouper, given the capacity of the fishing fleet to harvest the quotas quickly. Any delay in implementing this action would be impractical and contrary to the Magnuson-Stevens Act, the FMP, and the public interest. For these same reasons, NMFS finds good cause that the implementation of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is waived.

This action is taken under 50 CFR 622.43(a) and is exempt from review under Executive Order 12866.

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

**Dated:** October 5, 2006.

**James P. Burgess,**

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 060216045-6045-01; I.D. 100506C]

### Fisheries of the Economic Exclusive 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; modification of a closure; request for comments.

**SUMMARY:** NMFS is opening directed fishing for Atka mackerel with gears other than jig in the Eastern Aleutian District and the Bering Sea subarea of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to fully use the 2006 Atka mackerel total allowable catch (TAC) specified for gears other than jig in the Eastern Aleutian District and the Bering Sea subarea of the BSAI.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), October 7, 2006, through 2400 hrs, A.l.t., December 31, 2006.

Comments must be received at the following address no later than 4:30 p.m., A.l.t., October 23, 2006.

**ADDRESSES:** Send comments to Sue Salveson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, Attn: Ellen Walsh. Comments may be submitted by:

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

- Hand delivery to the Federal Building, 709 West 9th Street, Room 420A, Juneau, Alaska;

- FAX to 907-586-7557;

- E-mail to [atka@noaa.gov](mailto:atka@noaa.gov) and include in the subject line of the e-mail comment the document identifier: aieamckro [E-mail comments, with or without attachments, are limited to 5 megabytes]; or

- Webform at the Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions at that site for submitting comments.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Hogan, 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.

NMFS closed directed fishing for Atka mackerel with gears other than jig in the Eastern Aleutian District and the Bering Sea subarea of the BSAI under § 679.20(d)(1)(iii) on September 2, 2006 (71 FR 48485, August 21, 2006).

NMFS has determined that as of September 20, 2006, approximately 1,884 metric tons of Atka mackerel remain in the 2006 Atka mackerel TAC specified for gears other than jig in the Eastern Aleutian District and the Bering Sea subarea of the BSAI. Therefore, in accordance with § 679.25(a)(1)(i), (a)(2)(i)(C), and (a)(2)(iii)(D), and to allow the Atka mackerel fishery to resume, NMFS is terminating the previous closure and is reopening directed fishing for Atka mackerel with gears other than jig in the Eastern Aleutian District and the Bering Sea subarea of the BSAI.