

**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](mailto: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:* [rp22@bis.doc.gov](mailto:rp22@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

Steven Emme, Regulatory Policy Division, Bureau of Industry and Security, Department of Commerce, 14th and Pennsylvania Ave., NW., Room 2705, Washington, DC 20230.

#### List of Subjects in 15 CFR Part 774

Exports, Reporting and recordkeeping requirements.

■ For the reasons set forth in the preamble, the Export Administration Regulations (15 CFR 730–774) are amended as follows:

#### PART 774—[AMENDED]

■ 1. The authority citation for 15 CFR part 774 is revised to read as follows:

**Authority:** 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 10 U.S.C. 7420; 10 U.S.C. 7430(e); 22 U.S.C. 287c, 22 U.S.C. 3201 *et seq.*; 22 U.S.C. 6004; 30 U.S.C. 185(s), 185(u); 42 U.S.C. 2139a; 42 U.S.C. 6212; 43 U.S.C. 1354; 46 U.S.C. app. 466c; 50 U.S.C. app. 5; 22 U.S.C. 7201 *et seq.*; 22 U.S.C. 7210; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of July 23, 2008, 73 FR 43603 (July 25, 2008).

■ 2. In Supplement No. 1 to part 774 (the Commerce Control List), Category 0—Nuclear Materials, Facilities, and Equipment [and Miscellaneous Items], ECCN 0A018 is amended by revising “Items” paragraph a. in the List of Items Controlled section to read as follows:

#### Supplement No. 1 to Part 774—The Commerce Control List

\* \* \* \* \*

#### Category 0—Nuclear Materials, Facilities, and Equipment [and Miscellaneous Items]

\* \* \* \* \*

#### 0A018 Items on the Wassenaar Munitions List

\* \* \* \* \*

#### List of Items Controlled

*Unit:* \* \* \*

*Related Controls:* \* \* \*

*Related Definitions:* \* \* \*

*Items:*

a. Construction equipment built to military specifications, including equipment specially designed for airborne transport; and specially designed parts and accessories for such construction equipment, including crew protection kits used as protective cabs;

\* \* \* \* \*

Dated: August 29, 2008.

**Christopher R. Wall,**  
Assistant Secretary for Export Administration.

[FR Doc. E8–20585 Filed 9–4–08; 8:45 am]

BILLING CODE 3510–33–P

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 1

[TD 9417]

RIN 1545–BE39

#### Farmer and Fisherman Income Averaging; Correction

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Correction to final and temporary regulations.

**SUMMARY:** This document corrects final and temporary regulations (TD 9417) that were published in the **Federal Register** on Tuesday, July 22, 2008 (73 FR 42522) relating to the averaging of farm and fishing income in computing income tax liability.

#### FOR FURTHER INFORMATION CONTACT:

Amy Pfalzgraf, (202) 622–4960 (not a toll-free number).

#### SUPPLEMENTARY INFORMATION:

##### Background

The final and temporary regulations (TD 9417) that are the subject of this correction are under section 1301 of the Internal Revenue Code.

##### Need for Correction

As published, TD 9417 contains an error that may prove to be misleading and is in need of clarification.

##### Correction of Publication

Accordingly, the publication of the final and temporary regulations (TD 9417), which were the subject of FR Doc. E8–16665, is corrected as follows:

On page 42522, column 2, in the preamble, under the caption “For Further Information Contact”, line 2, the language “Amy Pfalzgraf, (202) 622–4950 (not a)” is corrected to read “Amy Pfalzgraf (202) 622–4960 (not a”.

**LaNita Van Dyke,**

Chief, Publications and Regulations Branch,  
Legal Processing Division, Associate Chief Counsel, (Procedure and Administration).

[FR Doc. E8–20555 Filed 9–4–08; 8:45 am]

BILLING CODE 4830–01–P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG–2008–0902]

RIN 1625–AA87

#### Security Zone; Potomac River, Boundary Channel and Pentagon Lagoon, Washington, DC

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary security zone encompassing certain waters of the Potomac River. This action is necessary to prevent terrorist acts and incidents immediately before, during and after a dedication ceremony held at The Pentagon on September 11, 2008. This rule prohibits vessels and people from entering the security zone and requires vessels and persons in the security zone to depart the security zone, unless specifically exempt under the provisions in this rule or granted specific permission from the Coast Guard Captain of the Port Baltimore.

**DATES:** This rule is effective from 6 a.m. through 11 a.m. on September 11, 2008.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket USCG–2008–0902 and are available online at <http://www.regulations.gov>. They are also available for inspection or copying at two locations: The Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays, and the Commander, U.S. Coast Guard Sector Baltimore, 2401 Hawkins Point Road, Building 70, Waterways Management Division, Baltimore, Maryland 21226–1791 between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this temporary rule, call Mr. Ronald Houck, at Coast Guard Sector Baltimore, Waterways Management Division, at telephone number (410) 576–2674 or (410) 576–2693. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

**SUPPLEMENTARY INFORMATION:**