Response: We disagree with the commenter's observation that we should have first published a notice of proposed rulemaking with respect to this rule. We explained in detail in the preamble to the interim final rule why we determined that notice-and-comment rulemaking was both unnecessary and contrary to the public interest under the Administrative Procedure Act (APA) (5 U.S.C. 553(b)(B)). Therefore, we properly determined that we had good cause to publish a final rule without requesting prior public comment. (72 FR at 44764). However, we also recognized that the rule we published in August 2007 concerned a subject about which the public was likely to be interested. As a result, we made the rule we published in August 2007 an interim final rule, and we requested public comments regarding the changes we made. Our actions in this regard are consistent with both the APA and good rulemaking practice.

Comment: The same commenter made a number of alternative recommendations for us to consider instead of the attorney advisor program, such as the implementation of a ''Government Representative Program.'' The commenter also recommended modifications to the attorney advisor program.

Response: We did not adopt the comments suggesting alternatives to the attorney advisor program because they were outside the scope of this rulemaking proceeding. The other comments addressed our internal procedures rather than the substance of the interim final rule. In our responses to prior comments, we have discussed our internal procedures, and explained how we believe those procedures provide adequate safeguards to address the concerns that the commenter raised.

Comment: The same commenter reported an individual ALJ's recommendation that the final rule require that the attorney advisors be limited to reviewing, developing the record, and drafting recommended ''on the record'' wholly favorable decisions for an ALJ to either sign such decisions or hear such cases.

Response: We did not adopt this comment suggesting an alternative to the attorney advisor program because it is outside the scope of this rulemaking proceeding.

Therefore, for all the reasons stated above, we are adopting the interim final rule without change.

Regulatory Procedures

Executive Order 12866, as Amended

We have consulted with the Office of Management and Budget (OMB) and determined that this final rule meets the criteria for a significant regulatory action under Executive Order 12866, as amended. Accordingly, it was subject to OMB review. We also have determined that this rule meets the plain language requirement of Executive Order 12866, as amended.

Regulatory Flexibility Act

We certify that this final rule will not have a significant economic impact on a substantial number of small entities as it affects only individuals. Therefore, a regulatory flexibility analysis as provided in the Regulatory Flexibility Act, as amended, is not required.

Paperwork Reduction Act

This rule will impose no additional reporting or recordkeeping requirements requiring OMB clearance.

Federalism Impact and Unfunded Mandates Impact

We have reviewed this rule under the threshold criteria of Executive Order 13132 and the Unfunded Mandates Reform Act and have determined that it does not have substantial direct effects on the States, on the relationship between the national government and the States, on the distribution of power and responsibilities among the various levels of government, or on imposing any costs on State, local, or tribal governments. This rule does not affect the roles of the State, local, or tribal governments.

(Catalog of Federal Domestic Assistance Program Nos. 96.001, Social Security—Disability Insurance; 96.002, Social Security—Retirement Insurance; 96.004, Social Security—Survivors Insurance; 96.006, Supplemental Security Income)

List of Subjects

20 CFR Part 404

Administrative practice and procedure; Blind, Disability benefits; Old-age, Survivors, and Disability insurance; Reporting and recordkeeping requirements; Social Security.

20 CFR Part 416

Administrative practice and procedure; Aged, Blind, Disability benefits; Public assistance programs; Reporting and recordkeeping requirements; Supplemental Security Income (SSI).

Dated: January 23, 2008.

Michael J. Astrue,

Commissioner of Social Security.

■ Accordingly, the interim final rule amending subpart J of part 404 and subpart N of part 416 of chapter III of title 20 of the Code of Federal Regulations, which was published at 72 FR 44763 on August 9, 2007, is adopted as a final rule without change.

[FR Doc. E8–3945 Filed 2–29–08; 8:45 am]

BILLING CODE 4191–02–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 08–378; MB Docket No. 07–165; RM–11371]

Radio Broadcasting Services; Blanca, CO

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: At the request of Kevin J. Youngers, Channel 249C2 at Blanca, Colorado, is allotted as the community's first local aural transmission service. Channel 249C2 is allotted at Blanca, Colorado with a site restriction of 6.6 kilometers (4.1 miles) east of the community at coordinates 37–26–35 NL and 105–26–29 WL .

DATES: Effective March 31, 2008.

ADDRESSES: Secretary, Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Victoria McCauley, Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order MB Docket No. 07–165, adopted February 13, 2008, and released February 15, 2008. The *Notice of Proposed Rule Making* proposed the allotment of Channel 249C2 at Blanca, Colorado. *See* 72 FR 46949, published August 22, 2007. To accommodate the allotment, United States CP, LLC, permittee on Channel 249A at Westcliffe, Colorado, has consented to substitute Channel 269A for Channel 249A at Westcliffe. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY–A257, 445 Twelfth Street, SW., Washington, DC 20554. This document may also be purchased from the Commission's copy contractor, Best

Copy and Printing, Inc., Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 1–800–378–3160 or *http://www.BCPIWEB.com*. The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

■ As stated in the preamble, the Federal Communications Commission amends 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

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 adding Blanca, Channel 249C2.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. E8–4028 Filed 2–29–08; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Parts 225 and 252

RIN 0750–AD76

Defense Federal Acquisition Regulation Supplement; Codification and Modification of Berry Amendment (DFARS Case 2002–D002)

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

ACTION: Final rule.

SUMMARY: DoD has adopted as final, with changes, an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement Section 832 of the National Defense Authorization Act for Fiscal Year 2002. Section 832 codified and made modifications to the provision of law known as the ''Berry Amendment,'' which requires the acquisition of certain items from domestic sources.

DATES: *Effective Date:* March 3, 2008.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams, Defense Acquisition Regulations System, OUSD (AT&L) DPAP (DARS), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone 703–602–0328; facsimile 703–602–7887. Please cite DFARS Case 2002–D002.

SUPPLEMENTARY INFORMATION:

A. Background

DoD published an interim rule at 67 FR 20697 on April 26, 2002. The rule amended the DFARS to implement Section 832 of the National Defense Authorization Act for Fiscal Year 2002 (Pub. L. 107–107). Section 832 codified and made minor modifications to the provision of law known as the Berry Amendment (formerly 10 U.S.C. 2241 note, Limitations on Procurement of Food, Clothing, and Specialty Metals Not Produced in the United States; now codified at 10 U.S.C. 2533a).

Twenty-two sources submitted comments on the interim rule. A discussion of the comments is provided below:

1. Clothing, Fabrics, and Fibers

a. *De minimis exception for cotton, other natural fibers, or wool.*

(1) *Applicability of exception.*

Comment: One respondent commented on the applicability of the exception in the interim rule at 225.7002–2(i) (now 225.7002–2(j)) for incidental amounts of cotton, other natural fibers, or wool. The respondent stated that the exception should apply only to the incidental amount of cotton, other natural fibers, or wool, not to the end item itself, if the end item is otherwise subject to the Berry Amendment. For example, a jacket of synthetic fibers with cotton lining in the pockets would still be subject to the Berry Amendment with regard to origin of the jacket as a whole. Only the cotton lining of the pockets would be exempt.

DoD Response: DoD concurs and has clarified this point in the final rule.

(2) *Simplified acquisition threshold.*

Comment: One respondent requested that DoD revise the exception in the interim rule at 225.7002–2(i) (now 225.7002–2(j)) to clarify that cotton, other natural fibers, or wool must be sourced domestically if the simplified acquisition threshold is met, regardless of their worth as a percentage of the total price of the end product.

DoD Response: DoD agrees with the intent of the comment, but does not believe a DFARS change is necessary. DFARS 225.7002–2(j) already states that the exception applies only if the value of the fibers is not more than 10 percent of the total price of the end product and does not exceed the simplified acquisition threshold.

b. *Para-aramid fibers.*

Comment: One respondent recommended that the exception for para-aramid fibers at 225.7002–2(m)(2) (now 225.7002–2(o)(2)) be extended to include all fabrics produced in compliance with the North American Free Trade Agreement (NAFTA), and to allow for fabrics made with Kermel aramid fiber produced in France and spun into yarn that is woven and finished in Canada.

DoD Response: The comment is outside the scope of this DFARS case. Section 807 of Public Law 105–261 only provides authority for DoD to waive the Berry Amendment restrictions for procurement of para-aramid fibers from countries that are party to a defense memorandum of understanding (qualifying countries). Mexico is not a qualifying country. Canada and France are qualifying countries, and can request a waiver from the Under Secretary of Defense (Acquisition, Technology, and Logistics), as did the Netherlands.

c. *Examples of textile products.*

Comment: One respondent suggested that DoD modify the rule at 225.7002–2(m)(1) (now 225.7002–2(o)(1)) to state that ''Examples of textile products, made in whole or in part of fabric, include [but are not limited to]—''.

DoD Response: DoD does not believe the suggested change is necessary, since the term ''examples'' means that the list is not exhaustive. Similar language is common throughout the DFARS.

d. *Footwear.*

Comment: One respondent requested that DoD clarify in the regulations that footwear is indeed included under the Berry Amendment restriction on clothing.

DoD Response: This issue has since been clarified at DFARS 225.7002–1(a)(2), which now lists footwear as an item of clothing.

e. *Parachutes.*

Comment: Several respondents requested that DoD include parachutes as a listed item under the Berry Amendment. In the past several years, some parachutes have been manufactured in Mexico, although the synthetic fibers and fabric were manufactured in the United States.

DoD Response: DoD has implemented the law as written and cannot add items to the list of restricted items without a change to the law.

2. Food Items—Exception for Products Manufactured or Processed in the United States

a. *Raw products.*

Comment: There was mixed response as to whether procurement of food items that are manufactured or processed in