

**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 15**

[ET Docket No. 03–201; FCC 07–56]

**Equipment Approval of Modular Transmitters****AGENCY:** Federal Communications Commission.**ACTION:** Final rule; announcement of effective date.

**SUMMARY:** In this document the Commission announces that the Office of Management and Budget (OMB) has approved, for a period of three years, the information collection requirements contained in the “Unlicensed Devices and Equipment Approval,” *Report and Order*. These new rules required modification of the Form 731 Application for Equipment Authorization, and contained information collection requirements subject to the Paperwork Reduction Act of 1995 that were not effective until after approval by the Office of Management and Budget (OMB).

**DATES:** The effective date for the rule contained in § 15.212 published in the **Federal Register** on May 23, 2007 at 72 FR 28889 is April 15, 2008.

**FOR FURTHER INFORMATION CONTACT:** Nancy Brooks, Office of Engineering and Technology, (202) 418–2454, e-mail: [eaqninquiry@fcc.gov](mailto:eaqninquiry@fcc.gov).

**SUPPLEMENTARY INFORMATION:**

1. In a *Report and Order*, released on April 23, 2007, FCC 07–56, published in the **Federal Register** on May 23, 2007, 72 FR 28889, the Federal Communications Commission adopted new rules that required modification of the Form 731 Application for Equipment Authorization, and contained information collection requirements subject to the Paperwork Reduction Act of 1995 that were not effective until after approval by the Office of Management and Budget (OMB). On March 10, 2008, OMB approved the new modified information collection requirements contained in 47 CFR 15.212. This information collection is assigned OMB Control Number 3060–0057.

2. The Report and Order amended parts 2 and 15 of the Commission’s rules for unlicensed devices and equipment approval of both existing modular transmitter devices and emerging partitioned (or “split”) modular transmitter devices. In addition to obtaining approval from OMB as noted, these new rules required software development to modify the Form 731

Application for Equipment Authorization. Software development to implement the new requirements has been completed, and the revised electronic Form 731 approved by OMB can be accessed on the effective date of implementation at <https://fjallfoss.fcc.gov/oetcf/eas/index.cfm> (applications filed directly with the FCC) or at <https://fjallfoss.fcc.gov/tcb/index.html> (applications filed by a Telecommunications Certification Body acting on behalf of the FCC). The public may continue to access the FCC database of authorized equipment via the Internet using options presented in the Reports section at <https://fjallfoss.fcc.gov/oetcf/eas/index.cfm>. Users experiencing problems in accessing the database via the Internet may contact OET at [eashelp@fcc.gov](mailto:eashelp@fcc.gov).

3. This publication satisfies the statement that the Commission would publish a document announcing the effective date of the rule changes requiring OMB approval.

Federal Communications Commission.

**William F. Caton,***Deputy Secretary.*

[FR Doc. E8–6556 Filed 3–28–08; 8:45 am]

**BILLING CODE 6712–01–P****FEDERAL COMMUNICATIONS COMMISSION****47 CFR Parts 15, 27, 54, 73 and 76**

[MB Docket No. 07–148; FCC 08–56]

**DTV Consumer Education Initiative****AGENCY:** Federal Communications Commission.**ACTION:** Final rule; announcement of effective date.

**SUMMARY:** In this document, the Commission announces that the Office of Management and Budget (OMB) has approved, for a period of six months under its emergency processing rules (5 CFR 1320.13), the information collection(s) associated with the Commission’s 2008 Report and Order concerning DTV Consumer Education Initiative. This notice is consistent with the Report and Order, which stated that the Commission would publish a document in the **Federal Register** announcing the effective date of the rules.

**DATES:** Sections 15.124, 27.20, 73.674, 73.3526(e)(11)(iv) and 73.3527(e)(13), published at 73 FR 15431, March 24, 2008, are effective March 31, 2008; and Sections 54.418 and 76.1630, also published at 73 FR 15431, March 24, 2008, are effective April 30, 2008.

**FOR FURTHER INFORMATION CONTACT:** Lyle Elder, [Lyle.Elder@fcc.gov](mailto:Lyle.Elder@fcc.gov) or 202–418–2120.

**SUPPLEMENTARY INFORMATION:** This document announces that, on March 27, 2008, OMB approved, for a period of six months under its emergency processing rules (5 CFR 1320.13), the information collection requirements contained in the Commission’s Report and Order concerning *DTV Consumer Education Initiative*, FCC 08–56, published at 73 FR 15431, March 24, 2008. The OMB Control Numbers that are assigned to these information collections are 3060–1115 and 3060–0214. The Commission publishes this notice as announcement of the effective date of the rules and announcement of OMB approval for information collections. If you have any comments on the burden estimates listed below, or how the Commission can improve the collections and reduce any burdens caused thereby, please contact Cathy Williams, Federal Communications Commission, Room 1–C823, 445 12th Street, SW., Washington, DC 20554. Please include the OMB Control Numbers, 3060–1115 and 3060–0214, in your correspondence. The Commission will also accept your comments via the Internet if you send them to [PRA@fcc.gov](mailto:PRA@fcc.gov).

**Synopsis**

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the FCC is notifying the public that it received OMB approval on March 27, 2008, for the information collection requirements contained in the Commission’s rules at 47 CFR 15.124, 54.418, 27.20, 73.674, 73.3526(e)(11)(iv), 73.3527(e)(13) and 76.1630. The OMB Control Number assigned is 3060–1115 for all of the information collection requirements contained in 47 CFR 15.124, 54.418, 27.20, 73.674, and 76.1630. The OMB Control Number assigned is 3060–0214 for information collection requirements contained in 47 CFR 73.3526(e)(11)(iv) and 73.3527(e)(13). The total annual reporting burden for respondents for the collections contained in OMB Control Number 3060–1115 is estimated to be: 11,022 respondents; 70,026 responses; and a total annual burden hours of 156,069 hours; there is no annual cost associated with this information collection. The total annual recordkeeping burden for respondents for the collections contained in OMB Control Number 3060–0214 is estimated to be: 52,285 respondents; 52,285 responses; and a total annual burden hours of 1,831,706 hours; there is no

cost associated with this information collection.

Under 5 CFR 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number.

No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a valid OMB Control Number.

The foregoing notice is required by the Paperwork Reduction Act of 1995, Public Law 104-13, October 1, 1995, and 44 U.S.C. 3507.

Federal Communications Commission.

**William F. Caton,**

*Deputy Secretary.*

[FR Doc. E8-6683 Filed 3-28-08; 8:45 am]

BILLING CODE 6712-01-P

## DEPARTMENT OF DEFENSE

### Defense Acquisition Regulations System

#### 48 CFR Parts 212, 225, and 252

RIN 0750-AF25

#### Defense Federal Acquisition Regulation Supplement; Contractor Personnel Authorized To Accompany U.S. Armed Forces (DFARS Case 2005-D013)

**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 DoD policy regarding contractor personnel authorized to accompany U.S. Armed Forces deployed outside the United States.

**DATES:** *Effective Date:* March 31, 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 2005-D013.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

DoD published an interim rule at 71 FR 34826 on June 16, 2006, to implement policy found in DoD Instruction 3020.41, Contractor Personnel Authorized to Accompany the U.S. Armed Forces. In addition, changes to the Federal Acquisition

Regulation (FAR) were proposed at 71 FR 40681 on July 18, 2006, and finalized at 73 FR 10943 on February 28, 2008, to address the issues of contractor personnel that are providing support to the U.S. Government outside the United States but are not covered by the DFARS rule. Since the FAR and the DFARS rules are similar in many respects, the following discussion of comments received on the DFARS rule also includes relevant issues raised with regard to the FAR rule.

##### 1. Right to Self-Defense (252.225-7040(b)(3)(i))

###### a. Distinction Between Self-Defense and Combat Operations

*Comment:* One respondent stated that there is an inherently vague line between what constitutes “defense” and “attack,” which is plainly crossed when the terms are applied in asymmetric warfare; and that contractors employing “self-defense” measures would have to undertake a wide array of combat activities to ensure their safety.

*DoD Response:* The DFARS rule recognizes that individuals have an inherent right to self-defense. It does not require self-defense, but authorizes it when necessary. In addition, the rule does not authorize preemptive measures. To the contrary, it recognizes that the actual conduct of an individual cannot be controlled, only governed, by contract terms and, therefore, emphasizes the consequences for the inappropriate use of force (252.225-7040(c)(3)(iii)).

###### b. Whether the Right of Self-Defense Should be Modified to “Personal” Self-Defense

*Comment:* One respondent recommended insertion of the word “personal” before “self-defense,” stating that this will clarify that civilians accompanying the force are authorized to use deadly force only in defense of themselves, rather than the broader concept of unit self-defense or preemptive self-defense.

*DoD Response:* DoD does not concur with this recommendation. The meaning of the term “self-defense” may vary depending on a person’s duties and the country or designated operational area in which the duties are being performed.

###### c. Whether the Right of Self-Defense Should be Extended to Defense Against Common Criminals

*Comment:* One respondent stated that, since the rule will apply in innumerable asymmetrical environments, the phrase “against enemy armed forces” should be

deleted, asserting that the right of self-defense should extend beyond enemy armed forces, since such defensive actions may be needed as protection against common criminals.

*DoD Response:* The final rule removes the phrase “against enemy armed forces” from paragraph (b)(3)(i) of the DFARS clause. DoD believes that it is more useful to the contractor to make an overall statement as to what is allowed with regard to use of deadly force in self-defense, than to focus on the law of war authorities with regard to enemy armed forces. There are legitimate situations that may also require a reasonable exercise of self-defense against other than enemy armed forces, e.g., defense against common criminals or terrorists. When facing an attacker, it will often not be possible for the contractor to ascertain whether the attacker is technically an “enemy armed force.” A cross-reference has been added in paragraph (b)(3)(iii) of the clause, with regard to the limitations on the use of force specified in paragraphs (d) and (j)(3) of the clause.

##### 2. Role of Private Security Contractors (252.225-7040(b)(3)(ii))

###### a. Whether a Separate Category for Private Security Contractors Is Necessary

*Comment:* One respondent stated there is no need for private security contractors as a separate category if private security contractors (like other contractors) can only use deadly force in self-defense.

*DoD Response:* While the right to self-defense applies to all contractors, the rule recognizes that private security contractors have been given a mission to protect other assets/persons. Therefore, it is important that the rule reflect the broader authority of private security contractors with regard to use of deadly force, consistent with the terms and conditions of the contract.

###### b. Hiring Private Security Contractors as Mercenaries Violates the Constitution, Law, Regulations, Policy, and American Core Values

*Comment:* Several respondents commented that, by allowing contractors to assume combat roles, the Government is allowing mercenaries in violation of the Constitution, the laws of the United States, and core American values. One law specifically identified was 5 U.S.C. 3108, Employment of detective agencies; restrictions (the “Anti-Pinkerton Act”). Also identified were the DoD Manpower Mix Criteria and the Federal Activities Inventory Reform (FAIR) Act of 1998, which