

State that receives E-911 grant funds diverts any portion of designated E-911 charges imposed by the taxing jurisdiction for any purpose other than the purposes for which such charges are designated during the time period which grant funds are available, the State will ensure that E-911 grant funds distributed to that taxing jurisdiction are returned.

Signature of State E-911 Coordinator  
(or representative of single governmental body)

Date

Title

Issued on: June 2, 2009.

**Ronald Medford,**

*Acting Deputy Administrator, National Highway Traffic Safety Administration.*

**Anna M. Gomez,**

*Acting Assistant Secretary for Communications and Information.*

[FR Doc. E9-13206 Filed 6-4-09; 8:45 am]

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## DEPARTMENT OF DEFENSE

### GENERAL SERVICES ADMINISTRATION

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

#### 48 CFR Parts 2, 22, and 52

[FAC 2005-29, Amendment-4; FAR Case 2007-013; Docket 2008-0001; Sequence 19]

RIN 9000-AK91

#### Federal Acquisition Regulation; FAR Case 2007-013, Employment Eligibility Verification

**AGENCIES:** Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Amendment to final rule; delay of applicability date.

**SUMMARY:** The Department of Defense, General Services Administration, and National Aeronautics and Space Administration have agreed to delay the applicability date of FAR Case 2007-013, Employment Eligibility Verification, to September 8, 2009.

**DATES:** *Applicability Date:* The applicability date of FAC 2005-29, Amendment-3, published April 17, 2009, 74 FR 17793, is delayed until September 8, 2009.

Contracting officers shall not include the new clause at 52.222-54, Employment Eligibility Verification, in any solicitation or contract prior to the applicability date of September 8, 2009.

On or after September 8, 2009, contracting officers—

- Shall include the clause in solicitations, in accordance with the clause prescription at 22.1803 and FAR 1.108(d)(1); and

- Should modify, on a bilateral basis, existing indefinite-delivery/indefinite-quantity contracts in accordance with FAR 1.108(d)(3) to include the clause for future orders if the remaining period of performance extends **beyond March 8, 2010**, and the amount of work or number of orders expected under the remaining performance period is substantial.

**FOR FURTHER INFORMATION CONTACT:** The FAR Secretariat at (202) 501-4755 for further information pertaining to status or publication schedule. Please cite FAC 2005-29 (delay of applicability date).

**SUPPLEMENTARY INFORMATION:** This document extends to September 8, 2009, the applicability date of the E-Verify rule, in order to permit the new Administration an adequate opportunity to review the rule.

#### Federal Acquisition Circular

Federal Acquisition Circular (FAC) 2005-29, Amendment-4, is issued under the authority of the Secretary of Defense, the Administrator of General Services, and the Administrator for the National Aeronautics and Space Administration.

The Federal Acquisition Regulation (FAR) contained in FAC 2005-29 was effective January 19, 2009, and is applicable September 8, 2009.

Dated: May 29, 2009.

**Amy G. Williams,**

*Acting Deputy Director, Defense Procurement and Acquisition Policy (Defense Acquisition Regulations System).*

Dated: June 1, 2009.

**Rodney P. Lantier,**

*Acting Senior Procurement Executive & Acting Deputy Chief Acquisition Officer, Office of the Chief Acquisition Officer, U.S. General Services Administration.*

Dated: May 29, 2009.

**William P. McNally,**

*Assistant Administrator for Procurement, National Aeronautics and Space Administration.*

[FR Doc. E9-13124 Filed 6-4-09; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary of Transportation

#### 49 CFR Part 1

[Docket No. DOT-OST-1999-6189]

RIN 9991-AA55

#### Organization and Delegation of Powers and Duties: Federal Railroad Administrator and Federal Transit Administrator

**AGENCY:** Office of the Secretary of Transportation (OST), Department of Transportation (DOT).

**ACTION:** Final rule.

**SUMMARY:** This final rule delegates all of the authorities vested in the Secretary of Transportation (Secretary) by the Rail Safety Improvement Act of 2008 to the Administrator of the Federal Railroad Administration (FRA). This final rule also delegates the authorities vested in

the Secretary by the Passenger Rail Investment and Improvement Act of 2008 to the Administrator of FRA, except for the authorities vested in the Secretary by Title VI of that Act, which are delegated in this final rule to the Administrator of the Federal Transit Administration (FTA).

**DATES:** *Effective Date:* June 5, 2009.

**FOR FURTHER INFORMATION CONTACT:**

Bonnie Angermann, Office of General Counsel, Department of Transportation, 1200 New Jersey Ave., SE., Washington, DC 20590; Telephone (202) 366-9166.

**SUPPLEMENTARY INFORMATION:** This final rule updates the Code of Federal Regulations (CFR) section that sets forth authorities delegated from the Secretary of Transportation to other Departmental officials. Specifically, all authorities vested in the Secretary by the Rail Safety Improvement Act of 2008, Div. A of Public Law 110-432; 122 Stat. 4848 *et seq.* (Oct. 16, 2008), are delegated to the Administrator of FRA. This final rule also delegates the authorities vested in the Secretary by the Passenger Rail Investment and Improvement Act of 2008, Div. B of Public Law 110-432; 122 Stat. 4907 *et seq.* (Oct. 16, 2008), to the Administrator of FRA, except for the authorities vested in the Secretary under one title of that Act, which are delegated in this final rule to the Administrator of FTA.

Part 1 of Title 49 of the CFR describes the organization of DOT and provides for the performance of duties imposed upon, and the exercise of powers vested in, the Secretary. This final rule corrects a typographical error in section 1 ("Purpose") of this part.

Section 1.49 of this part delegates to the Administrator of FRA the authority to carry out various functions and activities related to the mission of the agency. This rule delegates all authorities vested in the Secretary by the Rail Safety Improvement Act of 2008 to the Administrator of FRA. In addition, this rule delegates the authorities vested in the Secretary by Titles I through V of the Passenger Rail Investment and Improvement Act of 2008 (122 Stat. 4907 *et seq.*) to the Administrator of FRA. These titles address intercity rail passenger services and related programs. This final rule adds paragraphs (oo) and (pp) to 49 CFR 1.49 to reflect these delegations to the Administrator of FRA.

Section 1.51 of this part delegates to the Administrator of FTA the authority to carry out various functions and activities related to the mission of the agency. This rule delegates the authority vested in the Secretary by Title VI of the Passenger Rail Investment and

Improvement Act of 2008 (122 Stat. 4968), as it relates to capital and preventive maintenance projects for the Washington Metropolitan Area Transit Authority, to the Administrator of FTA. The FTA is responsible for mass transportation programs. This rule adds paragraph (j) to 49 CFR 1.51 to reflect these delegations.

Since these amendments relate to DOT management, organization, procedure, and practice, notice and comment are unnecessary under 5 U.S.C. 553(b). Further, since the final rule expedites DOT's ability to meet the statutory intent of the applicable laws and regulations covered by this delegation, the Secretary finds good cause under 5 U.S.C. 553(d)(3) for the final rule to be effective on the date of publication in the **Federal Register**.

**Regulatory Analysis and Notices**

*A. Executive Order 12866 and DOT Regulatory Policies and Procedures*

The final rule is not considered a significant regulatory action under Executive Order 12866 and the Regulatory Policies and Procedures of DOT (44 FR 11034). There are no costs associated with this final rule because it simply delegates authority from one DOT official to another.

*B. Executive Order 13175*

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13175 ("Consultation and Coordination With Indian Tribal Governments"). For the reasons previously stated, this final rule does not significantly or uniquely affect the communities of the Indian tribal governments and does not impose substantial direct compliance costs; therefore, the funding and consultation requirements of Executive Order 13175 do not apply.

*C. Regulatory Flexibility Act*

Because no notice of proposed rulemaking is required for this rule under the Administrative Procedure Act, 5 U.S.C. 553, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply. We also do not believe this rule would impose any costs on small entities because it simply delegates authority from one DOT official to another. Therefore, I certify this final rule will not have a significant economic impact on a substantial number of small entities.

*D. Paperwork Reduction Act*

This final rule contains no information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

*E. Unfunded Mandates Reform Act*

DOT has determined that the requirements of Title II of the Unfunded Mandates Reform Act of 1995 do not apply to this rulemaking.

**List of Subjects in 49 CFR Part 1**

Authority delegations (Government agencies), Organization and functions (Government agencies).

■ For the reasons set forth in the preamble, part 1, subtitle A of title 49, Code of Federal Regulations is amended as follows:

**PART 1—[AMENDED]**

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

**Authority:** 49 U.S.C. 322; 46 U.S.C. 2104(a); 28 U.S.C. 2672; 31 U.S.C. 3711(a)(2); Pub. L. 101-552, 104 Stat. 2736; Pub. L. 106-159, 113 Stat. 1748; Pub. L. 107-71, 115 Stat. 597; Pub. L. 107-295, 116 Stat. 2064; Pub. L. 108-136, 117 Stat. 1392; Pub. L. 101-115, 103 Stat. 691; Pub. L. 108-293, 118 Stat. 1028; Pub. L. 109-364, 120 Stat. 2083; Pub. L. 110-140, 121 Stat. 1492; Pub. L. 110-432, 122 Stat. 4848.

■ 2. Revise § 1.1 to read as follows:

**§ 1.1 Purpose.**

This part describes the organization of the Department of Transportation and provides for the performance of duties imposed upon, and the exercise of powers vested in, the Secretary of Transportation by law.

■ 3. Amend § 1.49 by adding paragraphs (oo) and (pp) as follows:

**§ 1.49 Delegations to Federal Railroad Administrator.**

\* \* \* \* \*

(oo) Carry out the functions and exercise the authority vested in the Secretary by the Rail Safety Improvement Act of 2008 (Pub. L. 110-432, Div. A, 122 Stat. 4848).

(pp) Carry out the functions and exercise the authority vested in the Secretary by the Passenger Rail Investment and Improvement Act of 2008 (Pub. L. 110-432, Div. B, 122 Stat. 4907), except Title VI (122 Stat. 4968) as it relates to capital and preventive maintenance projects for the Washington Metropolitan Area Transit Authority.

■ 4. Amend § 1.51 by adding paragraph (j) as follows:

**§ 1.51 Delegations to Federal Transit Administrator.**

\* \* \* \* \*

(j) Title VI of the Passenger Rail Investment and Improvement Act of

2008 (Pub. L. 110–432, Div. B, 122 Stat. 4968).

**Ray LaHood,**

*Secretary of Transportation.*

[FR Doc. E9–13021 Filed 6–4–09; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 660

[Docket No. 090428799–9802–01]

RIN 0648–XP43

#### **Fisheries off West Coast States; Pacific Coast Groundfish Fishery; Suspension of the Primary Pacific Whiting Season for the Shore-based Sector South of 42° North Latitude**

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

**ACTION:** Fishing restrictions.

**SUMMARY:** NMFS announces the suspension of the primary season for Pacific whiting (whiting) fishery for the shore-based sector south of 42° N. lat. at noon local time (l.t.) May 14, 2009. “Per trip” limits for whiting were reinstated until 0001 hours June 15, 2009, at which time the primary season for the shore-based sector opens coastwide. This action is authorized by regulations implementing the Pacific Coast Groundfish Fishery Management Plan (FMP), which governs the groundfish fishery off Washington, Oregon, and California. This action is intended to keep the harvest of whiting at the 2009 allocation levels.

**DATES:** Effective from noon l.t. May 14, 2009, until 0001 hours June 15, 2009.

**FOR FURTHER INFORMATION CONTACT:** Becky Renko at 206–526–6110.

**SUPPLEMENTARY INFORMATION:** The regulations at 50 CFR 660.323(a) established separate allocations for the catcher/processor, mothership, and shore-based sectors of the whiting fishery. The 2009 commercial Optimum Yield (OY) for Pacific whiting is 81,939 mt. This is calculated by deducting the 50,000–mt tribal set-aside and 4,000–mt for research catch and bycatch in non-groundfish fisheries from the 135,939 mt total catch OY. Each sector receives a portion of the commercial OY, with the catcher/processors getting 34 percent (27,859 mt), motherships getting 24 percent (19,665 mt), and the shore-based sector getting 42 percent (34,414

mt). The regulations further divide the shore-based allocation so that no more than 5 percent (1,721 mt) of the shore-based allocation may be taken in waters off the State of California before the primary season begins north of 42° N. lat.

The primary season for the shore-based sector is the period or periods when the large-scale target fishery is conducted, and when “per trip” limits are not in effect for vessels targeting Pacific whiting with mid-water gear. Because whiting migrate from south to north during the fishing year, the shore-based primary whiting season begins earlier south of 42° N. lat. than north. For 2009: the primary season for the shore-based sector between 42°–40°30' N. lat. began on April 1; south of 40°30' N. lat., the primary season began on April 15; and the fishery north of 42° N. lat. is scheduled to begin June 15. Although the fishery opened in April, the vessels choose to delay fishing until May 1, 2009.

Because the 1,721 mt allocation for the early season fishery off California was estimated to be reached, NMFS is announcing the suspension of the primary whiting season south of 42° N. lat. Regulations at 50 CFR 660.323 (b)(4) allow this action to be taken. The 20,000–lb (9,072 kg) trip limit that was in place before the start of the southern primary season was reinstated remains in effect until the primary June 15. A trip limit of 10,000 lb (4,536 kg) of whiting is in effect year-round (unless landings of whiting are prohibited) for vessels that fish in the Eureka area shoreward of the 100–fm (183–m) contour at any time during a fishing trip. This smaller limit is intended to minimize incidental catch of Chinook salmon, which are more likely to be caught shallower than 100 fm (183 m) in the Eureka area.

To prevent an allocation from being exceeded, regulations at 50 CFR 660.323 (e) allow closure of the commercial whiting fisheries by actual notice to the fishery participants. Actual notice includes e-mail, internet, phone, fax, letter or press release. NMFS provided actual notice by e-mail, internet, and fax on May 13, 2009.

#### **NMFS Action**

This action announces achievement of the shore-based sector allocation specified at 50 CFR 660.323(a) for the fishery south of 42° N. lat. The best available information on May 13, 2009, indicated that 1,119 metric tons (mt) of whiting was taken through May 11, 2009 and that the 1,721 mt shore-based allocation for the early season fishery south of 42° N. lat would be reached by

noon May 14, 2009. For the reasons stated here and in accordance with the regulations at 50 CFR 660.323(b)(4), NMFS herein announces: Effective noon May 14, 2009 until 0001 l.t., June 15, 2009, the primary whiting season south of 42° N. lat is suspended. No more than 20,000–lb (9,072 kg) of whiting may be taken and retained, possessed or landed by a catcher vessel participating in the shore-based sector of the whiting fishery. If a vessel fishes shoreward of the 100 fm (183 m) contour in the Eureka area (43° – 40° 30' N. lat.) at any time during a fishing trip, the 10,000–lb (4,536 kg) trip limit applies.

#### **Classification**

This action is authorized by the regulations implementing the groundfish FMP. The determination to take these actions is based on the most recent data available. The aggregate data upon which the determinations are based are available for public inspection at the office of the Regional Administrator (see **ADDRESSES**) during business hours. The Assistant Administrator for Fisheries (AA), NMFS, finds good cause to waive the requirement to provide prior notice and opportunity for comment on this action pursuant to 5 U.S.C. 553 (3)(b)(B), because providing prior notice and opportunity would be impracticable. It would be impracticable because if this restriction were delayed in order to provide notice and comment, it would allow the allocation for the shore-based fishery south of 42° N. lat. to be exceeded. Similarly, the AA finds good cause to waive the 30–day delay in effectiveness requirement of 5 U.S.C. 553 (d)(3), as such a delay would cause the fishery south of 42° N. lat. to exceed its allocation. Allowing the early season fishery to continue would result in a disproportionate shift in effort, which could result in greater impacts on Endangered Species Act listed Chinook salmon and overfished groundfish species that had been considered when the 2009 Pacific Coast groundfish harvest specifications were established.

This action is taken under the authority of 50 CFR 660.323(b)(4), and is exempt from review under Executive Order 12866.

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

Dated: May 29, 2009.

**Kristen C. Koch,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. E9–13178 Filed 6–4–09; 8:45 am]

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