

**Victor M. Fortuno,**  
*Vice President for Legal Affairs, General  
 Counsel & Corporate Secretary.*  
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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-2; FAR Case  
 2007-013; Docket 2008-0001; Sequence 3]

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 May 21, 2009.

**DATES:** *Applicability Date:* The  
 applicability date of FAC 2005-29,  
 Amendment-1, published January 14,  
 2009, 74 FR 1937, is delayed until May  
 21, 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 May 21, 2009.

On or after May 21, 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  
 November 21, 2009, 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 May 21, 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-2, 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 is  
 effective January 19, 2009, and  
 applicable May 21, 2009.

Dated: January 27, 2009.

**Linda W. Neilson,**

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

Dated: January 26, 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: January 26, 2009.

**William P. McNally,**

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

[FR Doc. E9-2060 Filed 1-27-09; 4:15 pm]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 229

[Docket No. 090115024-9027-01]

RIN 0648-XM80

#### Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan

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

**ACTION:** Temporary rule.

**SUMMARY:** The Assistant Administrator  
 for Fisheries (AA), NOAA, announces  
 temporary restrictions consistent with  
 the requirements of the Atlantic Large  
 Whale Take Reduction Plan's  
 (ALWTRP) implementing regulations.  
 These regulations apply to lobster trap/  
 pot and anchored gillnet fishermen for  
 15 days in an area totaling  
 approximately 1,725 nm<sup>2</sup> (5,917 km<sup>2</sup>)

east of Portsmouth, New Hampshire.  
 The purpose of this action is to provide  
 protection to an aggregation of North  
 Atlantic right whales (right whales).

**DATES:** Effective beginning at 0001 hours  
 February 2, 2009, through 2400 hours  
 February 17, 2009.

**ADDRESSES:** Copies of the proposed and  
 final Dynamic Area Management (DAM)  
 rules, Environmental Assessments  
 (EAs), Atlantic Large Whale Take  
 Reduction Team (ALWTRT) meeting  
 summaries, and progress reports on  
 implementation of the ALWTRP may  
 also be obtained by writing Diane  
 Borggaard, NMFS/Northeast Region, 55  
 Great Republic Drive, Gloucester, MA  
 01930.

#### FOR FURTHER INFORMATION CONTACT:

Diane Borggaard, NMFS/Northeast  
 Region, 978-281-9300 x6503; or Kristy  
 Long, NMFS, Office of Protected  
 Resources, 301-713-2322.

#### SUPPLEMENTARY INFORMATION:

##### Electronic Access

Several of the background documents  
 for the ALWTRP and the take reduction  
 planning process can be downloaded  
 from the ALWTRP web site at [http://  
 www.nero.noaa.gov/whaletrp/](http://www.nero.noaa.gov/whaletrp/).

##### Background

The ALWTRP was developed  
 pursuant to section 118 of the Marine  
 Mammal Protection Act (MMPA) to  
 reduce the incidental mortality and  
 serious injury of three endangered  
 species of whales (right, fin, and  
 humpback) due to incidental interaction  
 with commercial fishing activities. In  
 addition, the measures identified in the  
 ALWTRP would provide conservation  
 benefits to a fourth species (minke),  
 which are neither listed as endangered  
 nor threatened under the Endangered  
 Species Act (ESA). The ALWTRP,  
 implemented through regulations  
 codified at 50 CFR 229.32, relies on a  
 combination of fishing gear  
 modifications and time/area closures to  
 reduce the risk of whales becoming  
 entangled in commercial fishing gear  
 (and potentially suffering serious injury  
 or mortality as a result).

On January 9, 2002, NMFS published  
 the final rule to implement the  
 ALWTRP's DAM program (67 FR 1133).  
 On August 26, 2003, NMFS amended  
 the regulations by publishing a final  
 rule, which specifically identified gear  
 modifications that may be allowed in a  
 DAM zone (68 FR 51195). The DAM  
 program provides specific authority for  
 NMFS to restrict temporarily on an  
 expedited basis the use of lobster trap/  
 pot and anchored gillnet fishing gear in  
 order to protect right whales and is