

(g) Any action(s) taken by the contractor, in response to any direction given by any person acting on behalf of the government or any government official other than the contracting officer or the contracting officer technical representative, shall be at the contractor's risk.

(End of clause)

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA-2009-0116]

RIN 2127-AK35

Federal Motor Vehicle Safety Standards; Door Locks and Door Retention Components, Correction

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Final rule; correction.

SUMMARY: NHTSA published in the *Federal Register* of July 20, 2009, a document delaying the compliance date of the sliding door provisions of a February 6, 2007 final rule. The regulatory text adopted by that document contained errors. This document corrects those errors.

DATES: Effective on September 1, 2009.

FOR FURTHER INFORMATION CONTACT: Ms. Sarah Alves, NHTSA Office of the Chief Counsel, DOT, 1200 New Jersey Avenue, SE., Washington, DC 20590, telephone (202) 366-2992, fax (202) 366-3820.

SUPPLEMENTARY INFORMATION:

Background

NHTSA published in the *Federal Register* of July 20, 2009 (74 FR 35131), a document delaying the compliance date of the sliding door provisions of a February 6, 2007 final rule (FR Doc. E9-17078). In the regulatory text adopted by that document, in S4.2.2.3, a statement erroneously reads: "This S4.2.2.3 applies to vehicle manufactured on or after September 1, 2010." The statement should read: "This S4.2.2 applies to vehicles manufactured on or after September 1, 2010." This document corrects that error.

Correction of Publication

In rule FR Doc. E9-17078 published on July 20, 2009 (74 FR 35131), make the following correction. On page

35135, in the third column, S4.2.2.3 is corrected to read as follows:

S4.2.2.3 This S4.2.2 applies to vehicles manufactured on or after September 1, 2010.

Issued: July 23, 2009.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

[FR Doc. E9-17918 Filed 7-27-09; 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-XQ39

Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Closure of the Primary Pacific Whiting Season for the Shore-Based Sector

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

ACTION: Fishing closure restrictions.

SUMMARY: NMFS announces the closure of the primary season for the Pacific whiting fishery for the shore-based sector at 10 a.m. local time (l.t.) July 7, 2009. 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 Pacific whiting at the 2009 allocation levels.

DATES: Effective from 10 a.m. l.t. July 7, 2009, until the start of the 2010 primary season for the shore-based sector, unless modified, superseded or rescinded by notification in the *Federal Register*.

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

SUPPLEMENTARY INFORMATION: 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. Regulations at 50 CFR 660.323(a) established separate allocations for the catcher/processor, mothership, and shore-based sectors of the Pacific whiting fishery. The 2009 Optimum Yield (OY) for Pacific whiting is 135,939 mt. The 2009 commercial OY is 81,939 mt. The commercial OY 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). When each sector's allocation is reached, the primary season for that sector is ended.

If the Regional Administrator determines that a portion of the tribal set aside or another sector's allocation will not be used during the year, regulations at 50 CFR 660.323(c) allow the Regional Administrator to reapportion that Pacific whiting to other sectors in proportion to their initial allocations. At the Pacific Fishery Management Council's March 2009 meeting, the Makah Tribal representatives stated their intent to harvest only 23,789 mt of their 42,000 mt set aside and asked that the remaining 18,211 mt be reapportioned to the non-tribal sectors of the fishery. Therefore, the shore-based sector received an additional 7,649 mt, resulting in a harvest guideline of 42,063 mt.

The shore-based sector is composed of vessels that harvest Pacific whiting for delivery to land-based processors. 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.

The best available information on July 6, 2009 indicated that 32,933 mt of Pacific whiting had been taken through July 3, 2009, and the 42,063 mt allocation for the shore-based sector would be reached by 10 a.m. on July 7, 2009. This *Federal Register* notice announces the date that the primary season for the shore-based sector was ended. Regulations at 50 CFR 660.323(b)(4) allow this action to be taken. To prevent an allocation from being exceeded, regulations at 50 CFR 660.323(e) allow closure of the commercial Pacific 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 and fax on July 6, 2009.

NMFS Action

This document announces achievement of the shore-based sector allocation specified at 50 CFR 660.323(a) and in the final rule published on May 5, 2009 (74 FR 20620). The best available information on July 6, 2009, indicated that 32,933 mt

of Pacific whiting had been taken through July 3, 2009 and that the shore-based allocation would be reached by 10 a.m. on July 7, 2009. For the reasons stated here and in accordance with the regulations at 50 CFR 660.323(b)(4), NMFS herein announces: Effective 10 a.m. July 7, 2009 the Pacific whiting shoreside fishery was closed.

Classification

This action is authorized by the regulations implementing the groundfish FMP. The determination to take this action was based on the most recent data available. The aggregate data upon which the determinations were 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 because if this restriction were delayed in order to provide notice and comment, it would allow the allocation for the shore-based sector to be exceeded, which would either reduce the amount available to the catcher/processor sector or cause the OY to be exceeded.

A delay to provide a cooling off period also would be expected to cause the fishery to exceed its allocation. Therefore, good cause also exists to waive the 30-day delay in effectiveness requirement of 5 U.S.C. 553(d)(3).

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: July 22, 2009.

James P. Burgess,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. E9-17930 Filed 7-27-09; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket NO. 080226308-9700-02]

RIN 0648-AW50

Fisheries Off West Coast States; Highly Migratory Species Fisheries

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

ACTION: Final rule.

SUMMARY: NMFS issues a final rule to initiate collection of a permit fee for vessel owners participating in commercial and charter recreational fishing for highly migratory species (HMS) in the Exclusive Economic Zone (EEZ) off the West Coast of California, Oregon, and Washington. The HMS permits are issued under implementing regulations for the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species (HMS FMP). **DATES:** This final rule is effective August 27, 2009.

ADDRESSES: Rodney R. McInnis, Regional Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802 4213. Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this final rule may be submitted to the Southwest Region and by e-mail to David_Rostker@omb.eop.gov, or fax to (202) 395-7285.

FOR FURTHER INFORMATION CONTACT: Chris Fanning, Permits Coordinator, Sustainable Fisheries Division, NMFS, 562-980-4198.

SUPPLEMENTARY INFORMATION: On April 7, 2004, NMFS published a final rule to implement the HMS FMP (69 FR 18444) that included mandatory permit requirements at 50 CFR 660.707. The HMS FMP permit requirements included authority to collect permit fees which NMFS opted not to exercise at that time. NMFS is now exercising the option to charge an administrative fee for the recovery of HMS permit processing and issuance expenses as authorized under Section 303(b)(1) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), 16 U.S.C. 1853(b)(1). Section 304(d) of the MSA specifies that such fees may not exceed the administrative costs of issuing the permits. This final

rule specifies that an application for an HMS permit, including the renewal of an existing permit, must include a fee payable by the vessel owner. The amount of the fee will be determined in accordance with the NOAA Finance Handbook available at (<http://www.corporateservices.noaa.gov/~finance/FinanceHandbook.htm>) and specified on the application form. At this time, the fee amount is expected to be approximately \$30. The proposed rule to require a permit fee was published in the **Federal Register** on December 19, 2008 (73 FR 77589), soliciting public comment through January 20, 2009.

Comments and Responses

NMFS did not receive any public comment on the proposed rule.

Classification

The Administrator, Southwest Region, NMFS, determined that this regulation is necessary for the conservation and management of the U.S. West Coast Fisheries for Highly Migratory Species and that it is consistent with the Magnuson-Stevens Fishery Conservation and Management Act and other applicable laws.

This final rule has been determined to be significant for purposes of Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this action would not have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published in the proposed rule and is not repeated here. No comments were received regarding this certification. As a result, a regulatory flexibility analysis was not required and none was prepared.

This final rule contains a collection-of-information requirement subject to the Paperwork Reduction Act (PRA) which has been approved by OMB as an amendment to OMB Control No. 0648-0204. Public reporting burden for the payment of HMS permit fees is estimated to average 5 minutes or less per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection information. Send comments regarding this burden estimate, or any other aspect of this data collection, including suggestions for reducing the burden, to NMFS (see **ADDRESSES**) and by e-mail to David_Rostker@omb.eop.gov, or fax to (202) 395-7285. Notwithstanding any