

located at 43°16'18.202" N., 077°36'38.919" W., 43°15'53.209" N., 077°37'00.698" W., 43°15'46.366" N., 077°35'30.524" W., 43°15'21.376" N., 077°35'52.307" W. All Geographic coordinates are North American Datum of 1983 (NAD 83).

(b) *Effective Period.* This regulation is effective from 10 a.m., May 28, 2009 through 4:30 p.m., May 31, 2009. This zone will be enforced from 10 a.m. to 4:30 p.m. May 28, 2009 through May 31, 2009.

(c) *Regulations.*

(1) The general regulations contained in 33 CFR 165.23 apply.

(2) All persons and vessels must comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator shall proceed as directed.

(3) Commercial vessels may request permission from the Captain of the Port Buffalo to transit the safety zone. Approval will be made on a case-by-case basis. Requests must be made in advance and approved by the Captain of the Port before transits will be authorized. The Captain of the Port may be contacted via U.S. Coast Guard Sector Buffalo on Channel 16, VHF-FM.

Dated: May 1, 2009.

**R.S. Burchell,**

*Captain, U.S. Coast Guard, Captain of the Port Buffalo.*

[FR Doc. E9-11836 Filed 5-20-09; 8:45 am]

BILLING CODE 4910-15-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

#### 45 CFR Parts 302, 303 and 307

RIN 0970-AC01

#### State Parent Locator Service; Safeguarding Child Support Information

**AGENCY:** Office of Child Support Enforcement (OCSE), Administration for Children and Families (ACF), Department of Health and Human Services.

**ACTION:** Delay of effective date.

**SUMMARY:** In accordance with the memorandum of January 20, 2009, from the Assistant to the President and Chief

of Staff, entitled "Regulatory Review," this action delays until December 30, 2010, the effective date of the final rule entitled "State Parent Locator Service; Safeguarding Child Support Information," published in the **Federal Register** on September 26, 2008 (73 FR 56422). The delay in effective date is necessary to give Department officials the opportunity for further review of the issues of law and policy raised by this rule.

**DATES:** The effective date of the rule amending 45 CFR parts 302, 303, and 307 published in the September 26, 2008 **Federal Register** (73 FR 56442), which was delayed on March 20, 2009 (74 FR 11879), is further delayed until December 30, 2010.

**FOR FURTHER INFORMATION CONTACT:** Yvette Riddick, Office of Child Support Enforcement, Division of Policy, (202) 401-4885.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

On September 26, 2008, a final rule following notice and comment period entitled "State Parent Locator Service; Safeguarding Child Support Information" was published in the **Federal Register** [73 FR 56422] to address requirements for State Parent Locator Service responses to authorized location requests, State IV-D program safeguarding of confidential information, authorized disclosures of this information, and restrictions on the use of confidential data and information for child support purposes with exceptions for certain disclosures permitted by statute. The effective date given for the final rule was March 23, 2009.

In accordance with the memorandum of January 20, 2009, from the Assistant to the President and Chief of Staff entitled "Regulatory Review" [74 FR 4435], on March 3, 2009, we published a notice in the **Federal Register** [74 FR 9171], seeking public comment on a contemplated delay of 60 days in the effective date of the rule entitled "State Parent Locator Service; Safeguarding Child Support Information." In response to comment, the Department issued a subsequent notice on March 20, 2009 [74 FR 11879] delaying the effective date of the September 26, 2008 rule by 60 days until May 22, 2009, in order to permit officials of the new Administration an opportunity to review and approve the policies in the regulation.

However, subsequent to publication of the March 20, 2009 notice, we determined that additional time would be needed for Department officials to

complete their review of the rule and to assess fully the comments received in response to the March 3, 2009 notice. As a result, on April 15, 2009, a notice was published in the **Federal Register** [74 FR 17445] indicating that the Department was contemplating a further delay in the effective date of the "State Parent Locator; Safeguarding Child Support Information" final rule to December 30, 2010. As discussed below, the April 15, 2009 notice generated three comments, all of which supported the December 30, 2010 effective date.

**II. Provision of This Action**

This action further delays the effective date of the September 26, 2008 final rule. The effective date of the final rule which would have been May 22, 2009, is now December 30, 2010. The delay in the effective date is necessary to give Department officials the opportunity for further review of the issues of law and policy raised by the rule.

**III. Comments Received in Response to the April 15, 2009 Notice**

We received three comments in response to the April 15, 2009 notice with comment period on the contemplated delay in the effective date of the "State Parent Locator Service; Safeguarding Child Support Information" final rule. Although the April 15, 2009 notice invited comments on the contemplated extension of the effective date of the regulation to December 30, 2010, it also generated comments recommending changes to substantive areas of the final rule. All commenters supported the delayed effective date and as a result, we are delaying the effective date of the rule to December 30, 2010 to allow sufficient time for Department officials to review issues of law and policy raised by the rule.

A summary of the comments received follows:

*Comments:* All three commenters supported the contemplated delay in the effective date. Two of the commenters also provided comments that are substantive in nature. One commenter was concerned about the provisions of the rule that authorize disclosure of State child support data to private child support collection agencies (PCAs), companies that do not operate under a contract with the State or county child support program, but instead contract directly with custodial parents. The same commenter also recommended that the Department review the child welfare provision of the rule to ensure that it fully complies with the Fostering Connections to Success and Increasing

Adoptions Act signed into law on October 7, 2008 after the publication of the final rule September 26, 2008. For example, the new law raises a set of questions about whether data maintained through the Federal Parent Locator Service and the State Parent Locator Service are available to assist State child welfare agencies in carrying out their responsibilities to locate adult relatives of children removed from parental custody in order to identify potential placements.

The other substantive comment raised similar concerns regarding PCAs. In particular, the commenter was concerned with the PCAs being an "agent of the child" for the purpose of locate requests under section 453 of the Social Security Act. The commenter believes that the PCA in child support matters represents the parent, not the child, thus is not "the agent of the child" and is not authorized to receive any Federal Parent Locator Service information from the IV-D agency. The commenter also suggested that similar to the access provided to title IV Social Security Act programs, human service programs serving the same family as the child support program should have clear and unambiguous access to Federal information. For example, the commenter encouraged the Office of Child Support Enforcement to provide the Supplemental Nutrition Assistance Program access to child support information to determine income eligibility.

*Response:* The Department believes that the comments received on the notice published in the **Federal Register** on April 15, 2009 [74 FR 17445] soliciting comments on the delay in the effective date of the rule support the delay in the effective date until December 30, 2010. While the substantive comments on the policies contained in the rule were not solicited, the delay will provide time for Department officials to assess those comments as well as review all issues of law and policy raised by the rule. (Catalog of Federal Domestic Assistance Program No. 93.563, Child Support Enforcement)

Dated: May 18, 2009.

**Kathleen Sebelius,**

Secretary.

[FR Doc. E9-11936 Filed 5-20-09; 8:45 am]

**BILLING CODE P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 90

[WP Docket No. 07-100; FCC 09-29]

#### Private Land Mobile Radio Services

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document addresses revisions to the Commission's rules and policies regarding private land mobile radio (PLMR) services and particularly public safety operations. In the *Report and Order* portion of this document, the Commission accords primary status to 4.9 GHz band permanent fixed stations that are used to deliver broadband service; harmonizes output power measurement procedures for 4.9 GHz technology with procedures for similar devices that are regulated by part 15 of the Commission's rules; and clarifies that cross-band repeaters are permitted for all public safety systems. The Commission makes these changes to reduce uncertainty in the rules and harmonize the rules. The intended effect for public safety licensees is to allow additional flexibility, create opportunities for public safety users to benefit from speedier deployment of new technologies in the 4.9 GHz band, and lead to expanded use of 4.9 GHz broadband networks. The intended effect for manufacturers is to allow technologies similar to those covered by part 15 to be used in the 4.9 GHz band, resulting in speedier deployment of new technologies in this band. The intended effect of the cross-banding rule change is to enhance communications among public safety agencies operating in various frequency bands.

**DATES:** Effective June 22, 2009.

**ADDRESSES:** See **SUPPLEMENTARY INFORMATION** for locations where the public may inspect, copy, or purchase hardcopies of the *Report and Order and Further Notice of Proposed Rulemaking*.

#### FOR FURTHER INFORMATION CONTACT:

Thomas Eng, Policy Division, Public Safety and Homeland Bureau, Federal Communications Commission, Washington, DC 20554, at (202) 418-0019, TTY (202) 418-7233, via e-mail at [Thomas.Eng@fcc.gov](mailto:Thomas.Eng@fcc.gov), or via U.S. Mail at Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street, SW., Washington, DC 20554.

**SUPPLEMENTARY INFORMATION:** This is a summary of the *Report and Order* portion of the Commission's *Report and*

*Order and Further Notice of Proposed Rulemaking* in WP Docket No. 07-100, adopted on April 7, 2009 and released on April 9, 2009. The complete text of this document is available for inspection and copying during normal business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. This document may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., in person at 445 12th Street, SW., Room CY-B402, Washington, DC 20554, via telephone at (202) 488-5300, via facsimile at (202) 488-5563, or via e-mail at [FCC@BCPIWEB.com](mailto:FCC@BCPIWEB.com). Alternative formats (computer diskette, large print, audio cassette, and Braille) are available to persons with disabilities or by sending an e-mail to [FCC504@fcc.gov](mailto:FCC504@fcc.gov) or calling the Consumer and Governmental Affairs Bureau at (202) 418-0530, TTY (202) 418-0432. This document is also available on the Commission's Web site at <http://www.fcc.gov>.

The major decisions in the *Report and Order* are as follows:

- Amends § 90.1207 of the Commission's rules, which governs licensing of the 4.9 GHz band, to grant primary status to stand-alone permanent fixed links that are used to deliver broadband service and permanent fixed links that connect 4.9 GHz base and mobile stations that are used to deliver broadband services, as well as other public safety networks using spectrum designated for broadband use.

- Amends § 90.1215 of the Commission's rules to require the same output power measurement procedures for 4.9 GHz technology as those required for devices that use digital modulation techniques and are regulated by part 15 of the Commission's rules.

- Continues to permit paging operations on Very High Frequency (VHF) public safety frequencies.

- Modifies the existing language in § 90.243(b)(1) to clarify that cross-band repeaters are permitted for all public safety systems.

- Declines to amend § 90.20 to authorize privately-run metropolitan transit systems to use frequencies in the Public Safety Pool.

#### 4.9 GHz Band

In the earlier *Notice of Proposed Rulemaking* (NPRM), 72 FR 35190, June 27, 2007, in this proceeding, the Commission sought comment on two proposals by M/A-COM to modify the Commission's rules regarding the 4.9 GHz band. First, M/A-COM asks the Commission for an amendment to § 90.1207(c) that would "clarify that