

[FR Doc. E9-22934 Filed 9-22-09; 8:45 am]

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**DEPARTMENT OF DEFENSE**

**GENERAL SERVICES ADMINISTRATION**

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

**48 CFR Part 52**

**Federal Acquisition Regulation; Solicitation Provisions and Contract Clauses**

*CFR Correction*

In Title 48 of the Code of Federal Regulations, Chapter 1 (Parts 52 to 99), revised as of October 1, 2008, on page 123, in section 52.219-9, in the clause, move paragraph (d)(2)(vi), which precedes paragraph (d)(2)(v), to follow paragraph (d)(2)(v); remove the second paragraph (d)(2)(vi); and reinstate paragraph (d)(2)(iv) to read as follows:

**52.219-9 Small business subcontracting plan.**

\* \* \* \* \*

(d) \* \* \*

(2) \* \* \*

(iv) Total dollars planned to be subcontracted to service-disabled veteran-owned small business;

\* \* \* \* \*

[FR Doc. E9-23053 Filed 9-22-09; 8:45 am]

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**DEPARTMENT OF ENERGY**

**48 CFR Part 909**

**Acquisition Regulation; Contractor Qualifications**

*CFR Correction*

In Title 48 of the Code of Federal Regulations, Chapters 7 to 14, revised as of October 1, 2008, on page 300, reinstate section 909.405 to read as follows:

**909.405 Effect of listing. (DOE coverage—paragraph (e), (f), (g) and (h))**

(e) The Department of Energy may not solicit offers from, award contracts to or consent to subcontract with contractors debarred, suspended or proposed for debarment unless the Deputy Assistant Secretary for Procurement and Assistance Management makes a written determination justifying that there is a compelling reason for such action in accordance with FAR 9.405(a).

(f) DOE may disapprove or not consent to the selection (by a contractor) of an individual to serve as a principal investigator, as a project manager, in a position of responsibility for the administration of Federal funds, or in another key personnel position, if the individual is on the GSA List.

(g) DOE shall not conduct business with an agent or representative of a contractor if the agent's or representative's name appears on the GSA List.

(h) DOE shall review the GSA List before conducting a preaward survey or soliciting proposals, awarding contracts, renewing or otherwise extending the duration of existing contracts, or approving or consenting to the award, extension, or renewal of subcontracts.

[61 FR 39857, July 31, 1996; 61 FR 41684, Aug. 9, 1996]

[FR Doc. E9-23051 Filed 9-22-09; 8:45 am]

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 660**

[Docket No.0812171612-9134-02]

RIN 0648-XR63

**Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Closure**

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

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS is prohibiting directed fishing for Pacific sardine off the coasts of Washington, Oregon and California. This action is necessary because the directed harvest allocation total for the third seasonal period (September 15–December 31) is projected to be reached by the effective date of the rule. From the effective date of this rule until December 31, 2009, Pacific sardine can only be harvested as part of the live bait fishery or incidental to other fisheries; the incidental harvest of Pacific sardine is limited to 20-percent by weight of all fish per trip. Fishing vessels must be at shore and in the process of offloading at 12:01 am Pacific Daylight Time on date of closure.

**DATES:** Effective 12:01 am Pacific Daylight Time (PDT) September 23, 2009, through December 31, 2009

**FOR FURTHER INFORMATION CONTACT:**

Joshua Lindsay, Southwest Region, NMFS, (562) 980-4034.

**SUPPLEMENTARY INFORMATION:** This document announces that based on the best available information recently obtained from the fishery and information on past effort, the directed fishing harvest allocation for the third allocation period (September 15 - December 31) will be reached and therefore directed fishing for Pacific sardine is being closed until December 31, 2009. Fishing vessels must be at shore and in the process of offloading at the time of closure. From 12:01 am on the date of closure until December 31, 2009, Pacific sardine may be harvested only incidental to other fisheries, with the incidental harvest of Pacific sardine limited to 20-percent by weight of all fish caught during a trip.

NMFS manages the Pacific sardine fishery in the U.S. exclusive economic zone (EEZ) off the Pacific coast (California, Oregon, and Washington) in accordance with the Coastal Pelagic Species (CPS) Fishery Management Plan (FMP). Annual specifications published in the **Federal Register** establish the harvest guideline (HG) and allowable harvest levels for each Pacific sardine fishing season (January 1 - December 31). If during any of the seasonal allocation periods the applicable adjusted directed harvest allocation is projected to be taken, only incidental harvest is allowed and, for the remainder of the period, any incidental Pacific sardine landings will be counted against that period's incidental set aside. In the event that an incidental set-aside is projected to be attained, all fisheries will be closed to the retention of Pacific sardine for the remainder of the period via appropriate rulemaking.

Under 50 CFR 660.509 if the total HG or these apportionment levels for Pacific sardine are reached at any time, NMFS is required to close the Pacific sardine fishery via appropriate rulemaking and it is to remain closed until it re-opens either per the allocation scheme or the beginning of the next fishing season. In accordance with § 660.509 the Regional Administrator shall publish a notice in the **Federal Register** announcing the date of the closure of the directed fishery for Pacific sardine.

The above in-season harvest restrictions are not intended to affect the prosecution the live bait portion of the Pacific sardine fishery.

**Classification**

This action is required by 50 CFR 660.509 and is exempt from Office of Management and Budget review under Executive Order 12866.

NMFS finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) for the closure of the July 1–September 14 directed harvest of Pacific sardine. For the reasons set forth below, notice and comment procedures are impracticable and contrary to the public interest. For the same reasons, NMFS also finds good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effectiveness for this action. This measure responds to the best available information and is necessary for the conservation and management of the Pacific sardine resource. A delay in effectiveness would cause the fishery to exceed the in-season harvest level. These seasonal harvest levels are important mechanisms in preventing overfishing and managing the fishery at optimum yield. The established directed and incidental harvest allocations are designed to allow fair and equitable opportunity to the resource by all sectors of the Pacific sardine fishery and to allow access to other profitable CPS fisheries, such as squid and Pacific mackerel. Many of the same fishermen who harvest Pacific sardine rely on these other fisheries for a significant portion of their income.

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

Dated: September 14, 2009.

**Emily H. Menashes,**  
Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.  
[FR Doc. E9–22910 Filed 9–18–09; 4:15 pm]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 665

[Docket No. 0908131233–91275–02]

RIN 0648–XQ14

#### Fisheries in the Western Pacific; Bottomfish and Seamount Groundfish Fisheries; 2009–10 Main Hawaiian Islands Bottomfish Total Allowable Catch

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

**ACTION:** Final specification.

**SUMMARY:** NMFS specifies a total allowable catch (TAC) of 254,050 lb

(115,235 kg) of Deep 7 bottomfish in the main Hawaiian Islands (MHI) for the 2009–10 fishing year.

**DATES:** This final specification is effective October 23, 2009.

**ADDRESSES:** Copies of the Fishery Management Plan for Bottomfish and Seamount Groundfish Fisheries of the Western Pacific Region (Bottomfish FMP) and related Environmental Impact Statement are available from the Western Pacific Fishery Management Council (Council), 1164 Bishop St., Suite 1400, Honolulu, HI 96813, tel 808–522–8220, fax 808–522–8226, or [www.wpcouncil.org](http://www.wpcouncil.org).

An environmental assessment (EA), was prepared that describes the impact on the human environment that would result from this action. Based on the environmental impact analysis presented in the EA, NMFS prepared a finding of no significant impact (FONSI). Copies of the EA and FONSI are available from [www.regulations.gov](http://www.regulations.gov), the Council, or William L. Robinson, Regional Administrator, NMFS Pacific Islands Region (PIR), 1601 Kapiolani Blvd. 1110, Honolulu, HI 96814.

**FOR FURTHER INFORMATION CONTACT:** Jarad Makaiau, Sustainable Fisheries Division, NMFS PIR, 808–944–2108.

**SUPPLEMENTARY INFORMATION:** This final specification is also accessible at [www.gpoaccess.gov/fr](http://www.gpoaccess.gov/fr).

NMFS specifies a TAC for the 2009–10 fishing year of 254,050 lb (115,235 kg) of Deep 7 bottomfish in the MHI, as recommended by the Council, based on the best available scientific, commercial, and other information, taking into account the associated risk of overfishing.

The MHI Management Subarea refers to the portion of U.S. Exclusive Economic Zone around the Hawaiian Archipelago lying to the east of 161° 20' W. long. The Deep 7 bottomfish are onaga (*Etelis coruscans*), ehu (*E. carbunculus*), gindai (*Pristipomoides zonatus*), kalekale (*P. sieboldii*), opakapaka (*P. filamentosus*), lehi (*Aphareus rutilans*), and hapu'upu'u (*Epinephelus quernus*).

When the TAC is projected to be reached, NMFS will close the non-commercial and commercial Deep 7 bottomfish fisheries until the end of the fishing year (August 31, 2010). During a fishery closure for Deep 7 bottomfish, no person may fish for, possess, or sell any of these fish in the MHI, except as otherwise authorized by law. Specifically, fishing for, and the resultant possession or sale of, Deep 7

bottomfish by vessels legally registered to Mau Zone, Ho omalu Zone, or Pacific Remote Island Areas bottomfish fishing permits, and conducted in compliance with all other laws and regulations, are not affected by the closure. There is no prohibition on fishing for or selling other non-Deep 7 bottomfish species throughout the year.

All other management measures continue to apply in the MHI bottomfish fishery. The MHI bottomfish fishery reopened on September 1, 2009, and will continue until August 31, 2010, unless the fishery is closed prior to August 31 as a result of the TAC being reached.

Additional background information on this final specification may be found in the preamble to the proposed specification published on August 24, 2009 (74 FR 42641), and is not repeated here.

#### Comments and Responses

On August 24, 2009, NMFS published a proposed specification and request for public comments on the MHI bottomfish TAC (74 FR 42641). The comment period ended on September 8, 2009. NMFS did not receive any public comments.

#### Classification

The Regional Administrator, NMFS PIR, determined that this final specification is necessary for the conservation and management of the MHI bottomfish fishery, and that it is consistent with the Magnuson-Stevens Fishery Conservation and Management Act and other applicable laws.

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 action is exempt from review under Executive Order 12866.

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

Dated: September 17, 2009.

**James W. Balsiger,**  
Acting Assistant Administrator For Fisheries, National Marine Fisheries Service.

[FR Doc. E9–22913 Filed 9–22–09; 8:45 am]

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