

other party shall be served by electronic mail (e-mail), if possible. If the other party does not have the ability to receive electronic service, the other party shall be notified by telephone of the substance of the transmitted document and a copy of the document shall be served by personal service no later than the next day, by overnight delivery service, or, with the permission of the party receiving the document, by facsimile transmission.

Dated: Washington, DC, January 23, 2009.

By Direction of the Board.

**Lester A. Heltzer,**

*Executive Secretary.*

[FR Doc. E9-1832 Filed 1-29-09; 8:45 am]

BILLING CODE 7545-01-P

## LEGAL SERVICES CORPORATION

### 45 CFR Part 1611

#### Income Level for Individuals Eligible for Assistance

**AGENCY:** Legal Services Corporation.

**ACTION:** Final rule.

**SUMMARY:** The Legal Services Corporation ("Corporation") is required by law to establish maximum income levels for individuals eligible for legal assistance. This document updates the

specified income levels to reflect the annual amendments to the Federal Poverty Guidelines as issued by the Department of Health and Human Services.

**DATES:** *Effective Date:* This rule is effective as of January 30, 2009.

**FOR FURTHER INFORMATION CONTACT:**

Mattie Cohan, Senior Assistant General Counsel, Legal Services Corporation, 3333 K St., NW., Washington, DC 20007; (202) 295-1624; [mcohan@lsc.gov](mailto:mcohan@lsc.gov).

**SUPPLEMENTARY INFORMATION:** Section

1007(a)(2) of the Legal Services Corporation Act ("Act"), 42 U.S.C. 2996f(a)(2), requires the Corporation to establish maximum income levels for individuals eligible for legal assistance, and the Act provides that other specified factors shall be taken into account along with income.

Section 1611.3(c) of the Corporation's regulations establishes a maximum income level equivalent to one hundred and twenty-five percent (125%) of the Federal Poverty Guidelines. Since 1982, the Department of Health and Human Services has been responsible for updating and issuing the Federal Poverty Guidelines. The revised figures for 2009 set out below are equivalent to 125% of the current Federal Poverty Guidelines as published on January 23, 2009 (74 FR 4199).

In addition, LSC is publishing charts listing income levels that are 200% of the Federal Poverty Guidelines. These charts are for reference purposes only as an aid to grant recipients in assessing the financial eligibility of an applicant whose income is greater than 200% of the applicable Federal Poverty Guidelines amount, but less than 200% of the applicable Federal Poverty Guidelines amount (and who may be found to be financially eligible under duly adopted exceptions to the annual income ceiling in accordance with sections 1611.3, 1611.4 and 1611.5).

#### List of Subjects in 45 CFR Part 1611

Grant programs—Law, Legal services.

■ For reasons set forth above, 45 CFR part 1611 is amended as follows:

#### PART 1611—ELIGIBILITY

■ 1. The authority citation for part 1611 continues to read as follows:

**Authority:** Secs. 1006(b)(1), 1007(a)(1) Legal Services Corporation Act of 1974, 42 U.S.C. 2996e(b)(1), 2996f(a)(1), 2996f(a)(2).

■ 2. Appendix A to part 1611 is revised to read as follows:

#### Appendix A to Part 1611—Legal Services Corporation 2009 Poverty Guidelines \*

Size of household	48 contiguous states and the District of Columbia	Alaska	Hawaii
1 .....	\$13,538	\$16,913	\$15,575
2 .....	18,213	22,763	20,950
3 .....	22,888	28,613	26,325
4 .....	27,563	34,463	31,700
5 .....	32,238	40,313	37,075
6 .....	36,913	46,163	42,450
7 .....	41,588	52,013	47,825
8 .....	46,263	57,863	53,200
For each additional member of the household in excess of 8, add .....	4,675	5,850	5,375

\*The figures in this table represent 125% of the poverty guidelines by household size as determined by the Department of Health and Human Services.

#### REFERENCE CHART—200% OF DHHS FEDERAL POVERTY GUIDELINES

Size of household	48 contiguous states and the District of Columbia	Alaska	Hawaii
1 .....	\$21,660	\$27,060	\$24,920
2 .....	29,140	36,420	33,520
3 .....	36,620	45,780	42,120
4 .....	44,100	55,140	50,720
5 .....	51,580	64,500	59,320
6 .....	59,060	73,860	67,920
7 .....	66,540	83,220	76,520
8 .....	74,020	92,580	85,120
For each additional member of the household in excess of 8, add .....	7,480	9,360	8,600

**Victor M. Fortuno,**

*Vice President for Legal Affairs, General Counsel & Corporate Secretary.*

[FR Doc. E9-1851 Filed 1-29-09; 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-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]

BILLING CODE 6820-EP-P

## 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/>.

##### 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