

**DEPARTMENT OF HOMELAND SECURITY****48 CFR Parts 3009 and 3052**

[Docket No. DHS-2010-0017]

RIN 1601-AA55

**Prohibition on Federal Protective Service Guard Services Contracts With Business Concerns Owned, Controlled, or Operated by an Individual Convicted of a Felony [HSAR Case 2009-001]; Correction****AGENCY:** Office of the Chief Procurement Officer, DHS.**ACTION:** Final rule; correction.**SUMMARY:** This document makes corrections to the Homeland Security Acquisition Regulation in order to make technical citation changes and to remove redundant language.**DATES:** *Effective date:* December 16, 2009.**FOR FURTHER INFORMATION CONTACT:** Gloria Sochon, Senior Procurement Analyst, at (202) 447-5307 for clarification of content.**SUPPLEMENTARY INFORMATION:** This document makes corrections to the Homeland Security Acquisition Regulation (HSAR), final rule Prohibition on Federal Protective Service Guard Services Contracts with Business Concerns Owned, Controlled, or Operated By an Individual Convicted of a Felony [HSAR Case 2009-001], 74 FR 58851 (Nov. 16, 2009). The technical corrections are required to conform the HSAR to citation in the Federal Acquisition Regulations and remove redundant language.

■ In FR Doc. E9-27330, published November 16, 2009 (74 FR 58851), make the following corrections:

**Subpart 3009 [Corrected]**

■ 1. On page 58856, column 1, instruction 2a, is revised to read “Redesignating section 3009.104-70 as section 3009.108-70, and subsections 3009.104-71 through 3009.104-75 as subsections 3009.108-7001 through 3009.108-7005, respectively, and section 3009.170 is added and reserved.

**3052.209-76 [Corrected]**

■ 2. On page 58858, column 2, in subsection 3052.209-76, in the header of the contract clause, remove “(AUG 2009)” and add in its place “(DEC 2009)”.

■ 3. On page 58858, at the bottom of column 2, in section 3052.209-76(c)(2)(v)(A) remove:

“Ability to direct in any manner the election of a majority of the business concern’s directors or trustees; or”.

**Mary Kate Whalen,***Associate General Counsel for Regulatory Affairs.*

[FR Doc. E9-29881 Filed 12-15-09; 8:45 am]

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**GENERAL SERVICES ADMINISTRATION****48 CFR Part 6101****[GSA BCA Amendment 2009-01; BCA Case 2009-61-1; Docket Number 2009-0016, Sequence 1]**

RIN 3090-AI99

**Civilian Board of Contract Appeals; BCA Case 2009-61-1; Rules of Procedure of the Civilian Board of Contract Appeals****AGENCIES:** Civilian Board of Contract Appeals, General Services Administration (GSA)**ACTION:** Final rule.**SUMMARY:** This document provides two revisions to the rules governing proceedings before the Civilian Board of Contract Appeals (Board), published in the *Federal Register* on May 12, 2008. First, the Board is correcting the heading for Chapter 61. Upon publication of the rules in the Code of Federal Regulations, the heading for Chapter 61 was erroneously changed. This document corrects that error. In addition, a sentence that became surplusage upon issuance of the rules is being removed.**DATES:** *Effective Date:* December 16, 2009.**FOR FURTHER INFORMATION CONTACT:** Margaret S. Pfunder, Chief Counsel, Civilian Board of Contract Appeals, telephone (202) 606-8800, e-mail address [Margaret.Pfunder@gsa.gov](mailto:Margaret.Pfunder@gsa.gov) for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at (202) 501-4755. Please cite BCA Case 2009-61-1.**SUPPLEMENTARY INFORMATION:****A. Background**

The Civilian Board of Contract Appeals was established within the General Services Administration (GSA) by section 847 of the National Defense Authorization Act for Fiscal Year 2006, Pub. L. 109-163. Effective January 6, 2007, the boards of contract appeals that existed at the General Services Administration and the Departments of

Agriculture, Energy, Housing and Urban Development, Interior, Labor, Transportation, and Veterans Affairs were terminated, and their cases were transferred to the new Civilian Board of Contract Appeals. The title of Chapter 61 was erroneously changed upon publication of these rules in the Code of Federal Regulations to read “General Services Administration Board of Contract Appeals”. This document corrects that error. In addition, section 6101.1 is amended by removing the second sentence from paragraph (a). That sentence states, “These rules will remain in effect until the Board issues final rules of procedure or June 30, 2008, whichever occurs earlier.” Upon issuance of the final rules, that sentence became surplusage, and it is therefore now removed.

**B. Regulatory Flexibility Act**The General Services Administration certifies that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule does not impose any additional costs on large or small businesses.**C. Paperwork Reduction Act**The Paperwork Reduction Act does not apply because the changes do not impose recordkeeping or information collection requirements, or otherwise collect information from offerors, contractors, or members of the public that require approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.***List of Subjects in 48 CFR Part 6101**

Administrative practice and procedure, Agriculture, Freight forwarders, Government procurement, Travel and relocation expenses.

Dated: October 21, 2009.

**Stephen M. Daniels,***Chairman, Civilian Board of Contract Appeals, General Services Administration.*

■ Therefore, GSA amends 48 CFR Chapter 61 as set forth below:

**CHAPTER 61—CIVILIAN BOARD OF CONTRACT APPEALS, GENERAL SERVICES ADMINISTRATION**

■ 1. The authority citation for 48 CFR Part 6101 continues to read as follows:

**Authority:** 41 U.S.C. 601-613.

■ 2. Amend Chapter 61 by revising the Chapter heading as set forth above.

**PART 6101—CONTRACT DISPUTE CASES****6101.1 [Amended]**

■ 3. Amend section 6101.1 by removing the second sentence from paragraph (a).

[FR Doc. E9-29838 Filed 12-15-09; 8:45 am]

BILLING CODE 6820-AL-P

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Parts 300 and 635**

[080724902-91404-02]

RIN 0648-AX07

**Atlantic Highly Migratory Species; North and South Atlantic Swordfish Quotas**

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

**ACTION:** Final rule.

**SUMMARY:** This final rule adjusts the North and South Atlantic swordfish quotas for the 2009 fishing year (January 1, 2009, through December 31, 2009) to account for underharvests, and transfers 18.8 metric tons (mt) dressed weight (dw) to Canada per the 2006 and 2008 International Commission for the Conservation of Atlantic Tunas (ICCAT) recommendations 06-03 and 08-02. In addition, this final rule includes minor regulatory modifications and clarifications, eliminates an existing sunset provision in the Madison-Swanson and Steamboat Lumps time/area closure, and establishes a small time/area closure in the Gulf of Mexico called the "Edges 40 Fathom Contour." These changes could impact fishermen with a commercial swordfish, HMS Angling, or Charter/Headboat (CHB) permit who fish for Atlantic swordfish.

**DATES:** This rule is effective on January 15, 2010.

**ADDRESSES:** For copies of the supporting documents, including the proposed rule (74 FR 39032, August 5, 2009); the EA for the Gulf of Mexico time/area closures included in this rule; the Environmental Assessment (EA) for the 2007 Swordfish Specifications, Regulatory Impact Review (RIR), and Final Regulatory Flexibility Analysis (FRFA); and the 2006 Consolidated Atlantic Highly Migratory Species (HMS) Fishery Management Plan (FMP), please write to Highly Migratory Species Management Division, 1315 East-West

Highway, Silver Spring, MD 20910, visit the HMS website at <http://www.nmfs.noaa.gov/sfa/hms/>, or contact Steve Durkee.

**FOR FURTHER INFORMATION CONTACT:** Steve Durkee or Karyl Brewster-Geisz by phone: 301-713-2347 or by fax: 301-713-1917 or Rick Pearson by phone: 727-824-5399.

**SUPPLEMENTARY INFORMATION:** The U.S. Atlantic swordfish fishery is managed under the 2006 Consolidated HMS FMP. Implementing regulations at 50 CFR part 635 are issued under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1801 *et seq.*, and the Atlantic Tunas Convention Act (ATCA), 16 U.S.C. 971 *et seq.* Regulations issued under the authority of ATCA carry out the recommendations of ICCAT.

Information on the specific measures laid out in the proposed rule can be found in 74 FR 39032 (August 5, 2009) and are not repeated here. A brief summary of the actions in this final rule can be found below.

**1. Swordfish Quotas**

This final rule adjusts the North and South Atlantic swordfish quotas for the 2009 fishing year (January 1, 2009, through December 31, 2009) to account for underharvests in 2008, and to transfer 18.8 metric tons (mt) dressed weight (dw) to Canada per the 2006 and 2008 International Commission for the Conservation of Atlantic Tunas (ICCAT) recommendations 06-03 and 08-02. The 2009 North Atlantic swordfish baseline quota is 2,937.6 mt dw. The total North Atlantic swordfish underharvest for 2008 was 2,692 mt dw, which exceeds the maximum carryover cap of 1,468.8 mt dw, established in ICCAT recommendation 06-02, and renewed in 08-02. Therefore, NMFS is carrying over the capped amount per the ICCAT recommendation. Thus, the baseline quota plus the underharvest carryover maximum of 1,468.8 mt dw equals an adjusted quota of 4,406.4 mt dw for the 2009 fishing year (Table 1).

The 2009 South Atlantic swordfish baseline quota is 75.2 mt dw. The total South Atlantic swordfish underharvest for 2008 was 150.4 mt dw, which exceeds the maximum carryover cap of 75.2 mt dw, established in ICCAT recommendation 06-03. Therefore, NMFS is carrying over the capped amount per the ICCAT recommendation. As a result, the baseline quota plus the underharvest carryover maximum of 75.2 mt dw equals an adjusted quota of 150.4 mt dw for the 2009 fishing year (Table 1).

**2. Administrative Regulatory Modifications and Clarifications**

In addition to adjusting the North and South Atlantic swordfish quotas, NMFS is also performing the following five administrative modifications and clarifications to the regulations: (1) clarifying minimum size requirements for whole and dressed swordfish; (2) issuing "participant certificates" at shark identification workshops to attendees who do not have a dealer license; (3) requiring that any dead bycatch in the pelagic longline fishery be brought on board, at the observer's request, for biological sampling; (4) requiring that any changes in information contained in an application for an Atlantic Tuna Longline Limited Access Permit be submitted in writing; and (5) clarifying the information that is to be included on consignment documents for the importation of Atlantic, Pacific and Southern bluefin tuna, frozen bigeye tuna, and swordfish.

**3. Adjustment and Implementation of Time/Area Closures in the Gulf of Mexico**

Under current regulations (50 CFR 635.21 (a)(4)(ii) (iv)), the Madison-Swanson and Steamboat Lumps time/area closures within the Gulf of Mexico are set to expire on June 16, 2010. This rule eliminates this sunset provision and prevents expiration of the time/area closures on June 16, 2010, consistent with the Gulf of Mexico Fishery Management Council (GOMFMC) regulations. Additionally, this final rule establishes a time/area closure in the northwestern Gulf of Mexico called the "Edges 40 Fathom Contour," at the request of GOMFMC. The boundaries of this closure are defined by the coordinates: NW = 28° 51'N, 85° 16'W; NE = 28° 51'N, 85° 04'W; SW = 28° 14'N, 84° 54'W; SE = 28° 14'N, 84° 42'W.

**Response to Comments**

NMFS received two comments on the proposed rule which are summarized below, together with NMFS' responses.

**Comment:** NMFS received two comments in opposition to the annual 18.8 mt dw quota transfer to Canada from the reserve category. The first comment, made by Captain Chris Walter, expressed general opposition to the quota transfer. The second stated comment, made by David Allison of Oceana, expressed concern over higher bycatch rates in the Canadian swordfish fishery than in the U.S. fishery. This commenter wrote that negative impacts on sea turtles in the Canadian swordfish fishery were not specifically examined in the 2007 Environmental Assessment