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[FR Doc. E9-119 Filed 1-13-09; 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-1; FAR Case  
2007-013; Docket 2008-0001; Sequence 2]

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:** Final rule; delay of effective and applicability dates.

**SUMMARY:** The Department of Defense, General Services Administration, and National Aeronautics and Space Administration have agreed to delay the effective and applicability dates of FAR Case 2007-013, Employment Eligibility Verification, to January 19, 2009, and February 20, 2009, respectively.

**DATES:** *Effective Date:* The effective date of FAC 2005-29, the final rule amending 48 CFR Parts 2, 22, and 52, published in the **Federal Register** on November 14, 2008, at 73 FR 67650, is delayed January 15, 2009, until January 19, 2009.

*Applicability Date:* The applicability date of FAC 2005-29 is delayed until February 20, 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 February 20, 2009.

On or after February 20, 2009, contracting officers—

- Shall include the clause in solicitations in accordance with the clause prescription at 22.1803; 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 August 20, 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 effective and applicability dates).

**SUPPLEMENTARY INFORMATION:** This document extends to January 19, 2009, the effective date of the E-Verify rule, in order to comply with the Congressional Review Act (5 U.S.C. 801(a)(3)(A)). Although this rule was published in the **Federal Register** on November 14, 2008 (73 FR 67650), it was not received by Congress until November 19, 2008. Because of pending litigation, the applicability date for the regulation is being extended until February 20, 2009.

**Federal Acquisition Circular**

Federal Acquisition Circular (FAC) 2005-29, Amendment-1, 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 February 20, 2009.

Dated: January 9, 2009.

**Linda W. Neilson,**

*Acting Deputy Director, Defense Procurement (Defense Acquisition Regulations System).*

Dated: January 9, 2009.

**David A. Drabkin,**

*Senior Procurement Executive & Deputy Chief Acquisition Officer, U.S. General Services Administration.*

Dated: January 9, 2009.

**William P. McNally,**

*Assistant Administrator for Procurement, National Aeronautics and Space Administration.*

[FR Doc. E9-651 Filed 1-13-09; 8:45 am]

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**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric  
Administration****50 CFR Part 224**

[Docket No. 071128765-81658-02]

RIN 0648-AW32

**Endangered and Threatened Wildlife  
and Plants; Endangered Status for  
Black Abalone**

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

**ACTION:** Final rule.

**SUMMARY:** Following completion of an Endangered Species Act (ESA) status review for black abalone (*Haliotis cracherodii*), we, NOAA's National Marine Fisheries Service (NMFS), published a proposed rule to list black abalone as endangered on January 11, 2008. After considering public comments on the proposed rule, we issue this final rule to list black abalone as endangered under the ESA. We also solicit information relevant to the designation of critical habitat for black abalone.

**DATES:** Effective February 13, 2009.

**ADDRESSES:** You may submit information by any of the following methods:

- Federal Rulemaking Portal: [www.regulations.gov](http://www.regulations.gov). Follow the instructions for submitting comments.
- Fax: 1-562-980-4027, Attention: Melissa Neuman.
- Mail: Submit written information to Chief, Protected Resources Division, Southwest Region, National Marine Fisheries Service, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213.

Reference materials regarding this determination can be obtained via the Internet at: <http://www.swr.nmfs.noaa.gov> (go to "Latest News"/"News Archives"/January 2008). A request may also be submitted to the Assistant Regional Administrator, Protected Resources Division, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213.

**FOR FURTHER INFORMATION CONTACT:** Melissa Neuman, NMFS, Southwest Region (562) 980-4115; or Lisa Manning, NMFS, Office of Protected Resources (301) 713-1401.

**SUPPLEMENTARY INFORMATION:****Background**

Black abalone was added to the National Marine Fisheries Service's (NMFS') Candidate Species List on June 23, 1999 (64 FR 33466), and transferred to the NMFS' Species of Concern List on April 15, 2004 (69 FR 19975). We initiated an informal ESA status review of black abalone on July 15, 2003, and formally announced initiation of a status review on October 17, 2006 (71 FR 61021), at the same time soliciting information from the public on the status of and threats facing black abalone. On December 27, 2006, we received a petition from the Center for Biological Diversity (CBD) to list black abalone as either an endangered or threatened species under the ESA and to designate critical habitat for the species concurrently with any listing