

contractor in writing to retain all or part of the excess Government Property under the current contract for possible future requirements.

(ii) *Return to EPA.* When Government property is identified as excess, the CO may direct the contractor in writing to return those items to EPA inventory. The contractor shall ship/deliver the property in accordance with the instructions provided by the CO.

(iii) *Transfer.* When Government property is identified as excess, the CO may direct the contractor in writing to transfer the property to another EPA contractor. The contractor shall transfer the property by shipping it in accordance with the instructions provided by the CO. To effect transfer of accountability, the contractor shall provide the recipient of the property with the applicable data elements set forth in Attachment 1 of this clause.

(iv) *Sale.* If GSA or the DCMA PLCO conducts a sale of the excess Government property, the contractor shall allow prospective bidders access to property offered for sale.

(v) *Abandonment.* Abandoned property must be disposed of in a manner that does not endanger the health and safety of the public. If the contract is delegated to DCMA and the contractor has input EPA property into the PCARSS system, the EPA Property Utilization Officer (PUO) shall notify the CO. The CO shall notify the contractor in writing of those items EPA would like to retain, have returned or transferred to another EPA contractor. The contractor shall notify the DCMA PLCO and request withdrawal of those items from the inventory schedule. The contractor shall update the Government property record to indicate the disposition of the item and to close the record. The contractor shall also obtain either a signed receipt or proof of shipment from the recipient. The contractor shall notify the CO when all actions pertaining to disposition have been completed. The contractor shall complete an EPA Property report with changes, to include supporting documentation of completed disposition actions and submit it to the CPC.

9. *Decontamination.* In addition to the requirements of the "Government Property" clause and prior to performing disposition of any EPA Government Property, the contractor shall certify in writing that the property is free from contamination by any hazardous or toxic substances.

10. *Contract Closeout.* The contractor shall complete a physical inventory of all Government property at contract completion and the results, including any discrepancies, shall be reported to the CO. If the contract is delegated to DCMA, the physical inventory report will be submitted to the EPA CO and a copy submitted to the DCMA PA. In the case of a terminated contract, the contractor shall comply with the inventory requirements set forth in the applicable termination clause. The results of the inventory, as well as a detailed inventory listing, must be forwarded to the CO and if delegated, a copy to the DCMA PA. In order to expedite the disposal process, contractors may be required to, or may elect to submit to the CPC, an inventory schedule for

disposal purposes up to six (6) months prior to contract completion. If such an inventory schedule is prepared, the contractor must indicate the earliest date that each item may be disposed. The contractor shall update all property records to show disposal action. The contractor shall notify the CO, and, if delegated, the DCMA PA, in writing, when all work has been completed under the contract and all Government property accountable to the contract has been disposed. The contractor shall complete a FINAL EPA Property report with all supporting documentation to the CPC.

#### Attachment 1

*Required Data Element*—In addition to the requirements of FAR 52.245–1(f)(vi), Reports of Government Property, the contractor is required to maintain, and report the following data elements for EPA Government property (all elements are not applicable to material): Name and address of the administrative Contracting Officer; Name of the contractor representative; Business type; Name and address of the contract property coordinator; Superfund (Yes/No); No. of Subcontractor/Alternate Locations.

**Note:** For items comprising a system which is defined as, "a group of interacting items functioning as a complex whole," the contractor may maintain the record as a system noting all components of the system under the main component or maintain individual records for each item. However, for the Annual Report of Government Property, the components must be reported as a system with one total dollar amount for the system, if that system total is \$25,000 or more.

(End of clause)

■ 5. Revise section 1552.245–71 to read as follows:

#### 1552.245–71 Government-furnished data.

As prescribed in 1545.107(b), insert the following contract clause in any contract that the Government is to furnish the Contractor data. Identify in the clause the data to be provided.

#### Government-Furnished Data

(a) The Government shall deliver to the Contractor the Government-furnished data described in the contract. If the data, suitable for its intended use, is not delivered to the Contractor, the Contracting Officer shall equitably adjust affected provisions of this contract in accordance with the "Changes" clause when:

(1) The Contractor submits a timely written request for an equitable adjustment; and

(2) The facts warrant an equitable adjustment.

(b) Title to Government-furnished data shall remain in the Government.

(c) The Contractor shall use the Government-furnished data only in connection with this contract.

(d) The following data will be furnished to the Contractor on or about the time indicated:

(End of clause)

#### 1552.245–72 and 1552.245–73 [Removed]

■ 6. Remove sections 1552.245–72 and 1552.245–73.

[FR Doc. E9–22038 Filed 9–14–09; 8:45 am]

BILLING CODE 6560–50–P

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

#### 49 CFR Part 393

#### Parts and Accessories Necessary for Safe Operation; Lamps and Reflective Devices

##### CFR Correction

In Title 49 of the Code of Federal Regulations, Parts 300 to 399, revised as of October 1, 2008, in § 393.11, on page 375, remove paragraph (d) and on page 377, revise the heading of Table 1 to read "Table 1 of § 393.11—Required Lamps and Reflectors on Commercial Motor Vehicles".

[FR Doc. E9–22259 Filed 9–14–09; 8:45 am]

BILLING CODE 1505–01–D

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

[FWS-R6-ES-2009-0035]

[MO9221050083-B2]

RIN 1018-AW24

#### Endangered and Threatened Wildlife and Plants; Taxonomic Change of *Sclerocactus Glaucus* to Three Separate Species

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Final rule.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce the revised taxonomy of *Sclerocactus glaucus* (Uinta Basin hookless cactus) under the Endangered Species Act of 1973, as amended (Act). We determine that *S. glaucus* (previously considered a complex), which is currently listed as a threatened species, is actually three distinct species: *S. brevispinus*, *S. glaucus*, and *S. wetlandicus*. We are revising the List of Endangered and Threatened Plants to reflect the scientifically accepted taxonomy and nomenclature of these species. In addition, we revise the common names for these species as follows: *S. brevispinus* (Pariette cactus), *S. glaucus*

(Colorado hookless cactus), and *S. wetlandicus* (Uinta Basin hookless cactus). These three species will continue to be listed as threatened with no regulatory changes.

**DATES:** This rule is effective on October 15, 2009.

**ADDRESSES:** Comments and materials received, as well as supporting documentation used in the preparation of this final rule, are available for public inspection, by appointment, during normal business hours, at the Utah Field Office, U.S. Fish and Wildlife Service, 2369 W. Orton Circle, Suite 50, West Valley City, UT 84119; telephone 801-975-3330. The final rule is also available on the Internet at <http://www.regulations.gov> and at <http://www.fws.gov/mountain-prairie/species/plants/parietecactus/>.

**FOR FURTHER INFORMATION CONTACT:** Larry Crist, Field Supervisor, Utah Field Office (see **ADDRESSES**) (telephone 801-975-3330). People who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800-877-8339.

**SUPPLEMENTARY INFORMATION:**

**Background**

Section 17.12(b) of Title 50 of the Code of Federal Regulations (CFR) requires us to use the most recently accepted scientific name of any species determined by the Service to be an endangered or threatened species. This final rule documents a taxonomic change (scientific and common names) to an entry on the List of Endangered and Threatened Plants (50 CFR 17.12(h)). We find that *Sclerocactus glaucus* (Uinta Basin hookless cactus), as listed under section 4 of the Act (16 U.S.C. 1531 *et seq.*), is three separate species: *S. brevispinus* (Pariette cactus), *S. glaucus* (Colorado hookless cactus), and *S. wetlandicus* (Uinta Basin hookless cactus). Previously, these three species were scientifically classified under the single scientific name of *S. glaucus* (Benson 1966, pp. 50-57; 1982, pp. 728-729). We make this change to the List of Endangered and Threatened Plants (50 CFR 17.12(h)) to reflect the most recently accepted scientific names in accordance with 50 CFR 17.12(b).

These three species will now be listed as threatened under the Act until we conduct a five-factor analysis for each species. As soon as our staff and funding resources allow, we will publish a document in the **Federal Register** that provides the updated five-factor analysis and the prudence determination for critical habitat for each of the three species, and requests

public comment on our analyses and prudence determinations.

**Previous Federal Actions**

On October 11, 1979, we published a final rule listing *Sclerocactus glaucus* (Uinta Basin hookless cactus) as threatened (44 FR 58868).

On February 3, 1997, we received a petition from the National Wilderness Institute to remove *Sclerocactus glaucus* from the List of Endangered and Threatened Plants. On April 25, 2005, we received a petition from the Center for Native Ecosystems and the Utah Native Plant Society requesting that we list *S. brevispinus* (Pariette cactus) as an endangered or threatened species under the Act (independent of its current listing as threatened as part of *S. glaucus*) and that we designate critical habitat.

On December 14, 2006, we published a 90-day finding on both petitions (71 FR 75215). First, we found that the petition to remove *Sclerocactus glaucus* from the List of Endangered and Threatened Plants did not provide substantial information to indicate that delisting may be warranted. Second, we found that the petition to list *S. brevispinus* (Pariette cactus) as an endangered or threatened species provided substantial information to indicate that independent listing of *S. brevispinus* as endangered or threatened may be warranted, and we initiated a status review. In addition, we found that emergency listing of *S. brevispinus* was not warranted, and that designation of critical habitat was not prudent. Further, we defined our understanding of the “*Sclerocactus glaucus* complex” as including the three *Sclerocactus* species: *S. brevispinus*, *S. glaucus*, and *S. wetlandicus*.

On September 18, 2007, we published a 12-month finding (72 FR 53211) on *Sclerocactus brevispinus* (Pariette cactus). We found that reclassifying *S. brevispinus* as a single species and listing that species as endangered was warranted, but precluded by higher priority actions to amend the Lists of Endangered and Threatened Wildlife and Plants. However, *S. brevispinus* remains listed as threatened as part of the *S. glaucus* (Uinta Basin hookless cactus) complex.

The September 18, 2007, publication (72 FR 53211) also announced our proposal to revise the taxonomy of *Sclerocactus glaucus* (Uinta Basin hookless cactus) to recognize three separate species. In accordance with the best available scientific information, we proposed to recognize three distinct species and assign the following common names: *S. brevispinus* (Pariette

cactus), *S. glaucus* (Colorado hookless cactus), and *S. wetlandicus* (Uinta Basin hookless cactus). We also stated that *S. glaucus* and *S. wetlandicus* continued to meet the definition of “threatened” under the Act, and that listing *S. brevispinus* as endangered under the Act was warranted, but precluded by higher priority actions.

**Comments on Proposed Taxonomic Classification**

*Peer Review*

In accordance with our joint policy published in the **Federal Register** on July 1, 1994 (59 FR 34270), and based on our implementation of the Office of Management and Budget’s Final Information Quality Bulletin for Peer Review, dated December 16, 2004, we sought the expert opinions of appropriate and independent specialists regarding the science in our proposed rule. The basis for the proposed taxonomic change has appeared in peer-reviewed journals (*Succulenta*, *A Utah Flora*, *Flora of North America*). In addition, we solicited the opinions of seven specialists in general plant taxonomy, and the taxonomy and ecology of the *Sclerocactus glaucus* in particular. We received peer reviews from three individuals, Dr. Bruce Glisson, Dr. Leila Shultz, and Professor Kenneth Heil. All agreed with our taxonomic analysis of the “*Sclerocactus glaucus* complex” and its component species.

*Other Comments*

We received three comments from the public on our proposal to designate *Sclerocactus brevispinus*, *S. glaucus*, and *S. wetlandicus* as separate species under the Act. All three comments indicated strong agreement with the proposed taxonomic changes and with listing *S. brevispinus* as endangered. All three comments also expressed concern about the “warranted but precluded” finding for *S. brevispinus*, because the commenters believed that listing the species as endangered should not be delayed.

**Species Information**

*Taxonomic Classification*

The original listing rule for *Sclerocactus glaucus* (44 FR 58868; October 11, 1979) included all hookless (straight central spines) *Sclerocactus* populations at the extreme periphery of the *Sclerocactus* distribution in western Colorado and northeastern Utah, and referred to them as *S. glaucus* per Benson (1966, pp. 50-57; 1982, pp. 728-729). This taxonomic classification is no longer supported by the results of

genetic and morphological research. The separation of *S. glaucus* into three species (*S. brevispinus*, *S. glaucus*, and *S. wetlandicus*) is reinforced by recent genetic studies (Porter *et al.* 2000, pp. 14, 16; Porter *et al.* 2007, pp. 8, 9, 11, 15, 23), common garden experiments (to determine in a controlled environment whether plants exhibit different morphological characteristics when grown under different conditions) (Hochstätter 1993b, pp. 94, 98; Welsh *et al.* 2003, p. 79), and a reevaluation of morphological characteristics (Heil and Porter 2004, pp. 200-201; Hochstätter 1989, pp. 123-125; Hochstätter 1993a, pp. 85-92; Hochstätter 1993b, pp. 93, 97, 99; Porter *et al.* 2007, pp. 13, 15, 24-25).

Revisions to the taxonomy of *Sclerocactus glaucus* began in 1989 (Hochstätter 1989, pp. 123-125; Hochstätter 1993a, pp. 85-92; Hochstätter 1993b, pp. 91-92; Heil and Porter 1994, pp. 25-27; Porter *et al.* 2000, pp. 8-23; Welsh *et al.* 2003, p. 79). By 2004, the *Flora of North America* recognized the plant *S. glaucus* (that we listed in 1979; 44 FR 58868; October 11, 1979) as three distinct species: *S. brevispinus* (Pariette cactus), *S. glaucus* (Uinta Basin hookless cactus), and *S. wetlandicus* (no common name). The *Flora of North America* (Heil and Porter 2004, pp. 197-207) recognizes 15 species in the genus *Sclerocactus*, including *S. brevispinus*, *S. glaucus*, and *S. wetlandicus*.

*Sclerocactus brevispinus* (Pariette cactus) is a morphologically unique *Sclerocactus* population, occurring only in the Pariette Draw in the central Uinta Basin in Utah. This cactus is much smaller than either *S. glaucus* or *S. wetlandicus* and retains the vegetative characteristics of juvenile *S. wetlandicus* individuals in adult flowering plants. At the time of the species listing in 1979, these smaller

individuals were thought to represent an ecotypic variation of *S. glaucus*. This unique cactus from Pariette Draw has been variously named *S. wetlandicus* var. *ilseae* (Hochstätter 1993b, pp. 95-97), *S. brevispinus* (Heil and Porter 1994, p. 26), and *S. whipplei* var. *ilseae* (Welsh *et al.* 2003, p. 79). We have adopted the taxonomic nomenclature accepted by the *Flora of North America* (Heil and Porter 2004, pp. 197-207) and adopt a new common name: *S. brevispinus* (Pariette cactus).

*Sclerocactus glaucus* (former common name was Uinta Basin hookless cactus; now Colorado hookless cactus) is endemic to western Colorado. Its former common name in the List of Endangered and Threatened Plants referred to a geographical area in Utah. Therefore, the common name was a misnomer that more accurately applies to *S. wetlandicus* (which formerly had no common name). Colorado hookless cactus is a more applicable common name for *S. glaucus*.

*Sclerocactus wetlandicus* (new common name is Uinta Basin hookless cactus) was first described in 1989 (Hochstätter 1993b, pp. 91-92), and comprises the bulk of the previously termed Uinta Basin hookless cactus complex in Utah (in the Uinta Basin proper). Its population is significantly disjunct from that of *S. glaucus* in Colorado. The common name “Uinta Basin hookless cactus” is appropriate for this species.

*Species Descriptions*

Cacti species of the Uinta Basin hookless cactus complex are a small ball- or barrel-shaped cactus, usually with straight (“hookless” as opposed to “fishhook” in most other species within the genus) central spines. Benson (1966, p. 53) describes *Sclerocactus glaucus* as a leafless, succulent plant in the cactus

family; with solitary, ovoid to nearly globular stems that are 3.8 to 17.8 centimeters (cm) (1.5 to 7 inches (in)) tall and 2.5 to 11.4 cm (1 to 4.5 in) in diameter; with about 12 ribs with spine clusters born on tubercles (short protuberances) arising from the ribs.

These cacti have two types of spines (radial and central) and two types of central spines (abaxial and lateral). These spines are defined by size and position on the plant:

(1) The 4 to 12 radial spines radiate around the margin of the areole (a distinct non-photosynthetic surface area bearing spines), extend in a plane roughly parallel to the body of the plant, and are usually white, less than 2.5 cm (1 in) in length, and much finer and shorter than the dark central spines.

(2) The central spines number from 1 to 4 (sometimes absent), are 2.5 to 3.8 cm (1 to 1.5 in) long (generally longer than radial spines), and extend from the center of the areole. The central spines include abaxial and lateral forms:

- Abaxial spines are typically single and often longer than lateral spines.
- Lateral spines are often displayed in pairs on either side of the abaxial spine.

Flowers have numerous pinkish to lavender perianth parts (sepaloids [outer whorls, usually greenish] and petaloids [inner whorls, usually non-green]) and are 2.5 to 5.1 cm (1 to 2 in) in diameter and length. Flower stamens are numerous, with yellow anthers (the male pollen-bearing structures) and green filaments (structures that display the anthers). The fruit is barrel-shaped, 0.8 to 1.3 cm (0.3 to 0.5 in) long, and about 0.8 cm (0.3 in) in diameter. The seeds are small and black.

The revised species descriptions in Table 1 are based on those by Hochstätter (2005, pp. 14-18, 37-38) and Heil and Porter (2004, pp. 200-201) as used in the *Flora of North America*.

TABLE 1: COMPARISON OF MORPHOLOGY FOR THREE *Sclerocactus* SPECIES.

Characteristic	<i>Sclerocactus glaucus</i>	<i>Sclerocactus wetlandicus</i>	<i>Sclerocactus brevispinus</i>
Plant Description	Leafless, stem-succulent plant with short cylindrical to ovoid body, usually 3 to 12 cm (1.2 to 4.8 in) tall, but up to 30 cm (12 in) tall; 4 to 9 cm (1.6 to 3.6 in) diameter; with 8 to 15 (usually 12 or 13) tubercle-bearing ribs	Leafless, stem-succulent plant with short, cylindrical to elongate-cylindrical body, usually 3 to 15 cm (1.2 to 6.0 in) tall, but up to 25 cm (10 in)); 4 to 12 cm (1.6 to 4.8 in) diameter; with 12 to 15 tubercle-bearing ribs	Leafless, stem-succulent plant with a depressed-spherical to short-cylindrical body, usually 2.5 to 8.5 cm (1.0 to 3.4 in) tall, but most individuals less than 5 cm (2.0 in)); 1.8 to 7.5 cm (0.7 to 3.0 in) in diameter (most individuals less than 5 cm (2.0 in)); with (usually) 13 tubercle-bearing ribs
Spines	Spines occur in clusters within the areoles at tip of tubercles	Spines occur in clusters within the areoles at tip of tubercles	Spines occur in clusters within the areoles at tip of tubercles
Areoles	Pubescent in juvenile individuals	Not pubescent in juvenile individuals	Not pubescent in juvenile individuals

TABLE 1: COMPARISON OF MORPHOLOGY FOR THREE *Sclerocactus* SPECIES.—Continued

Characteristic	<i>Sclerocactus glaucus</i>	<i>Sclerocactus wetlandicus</i>	<i>Sclerocactus brevispinus</i>
Radial Spines	2 to 12 (usually 6 to 8) per cluster; white or gray to light brown; up to 17 millimeters (mm) (0.67 in) long; less than 1 mm (0.04 in) in diameter	6 to 14 (usually 6 to 10) per cluster; white, or gray to light brown (rarely black), up to 6 to 20 mm (0.24 to 0.8 in) long; less than 0.6 mm (0.01 in) in diameter	5 to 13 (usually 6 or 7) per cluster; white or gray-to-light brown, up to 5 to 15 mm (0.2 to 0.6 in) long; less than 1 mm (0.04 in) in diameter
Central Spines	Longer and heavier than radial spines; numbering one to five (usually three: one abaxial and two lateral), 12 to 50 mm (0.5 to 2.0 in) long, and 0.8 to 1.8 mm (0.03 to 0.07 in) thick	Usually longer and heavier than radial spines, numbering one to five (usually three: one abaxial and two lateral), are 15 to 30 mm (0.5 to 2.0 in) long, and 0.5 to 1.8 mm (0.02 to 0.07 in) thick	Usually longer and heavier than radial spines, numbering 0 to 3 (usually 1: the abaxial, rarely with two laterals), 2 to 5 mm (0.08 to 0.2 in) long, and 0.5 to 1.8 mm (0.02 to 0.07 in) thick
Abaxial Spines	Usually solitary (sometimes lacking) and ascending toward the apex of the plant body with its tip noticeably bent at an angle usually less than 90 degrees	Usually solitary (sometimes lacking or double), and ascending toward the apex of the plant body with its tip usually noticeably bent at an angle usually less than 90 degrees (sometimes straight, or rarely hooked up to 180 degrees)	Solitary (sometimes lacking) and usually descending away from the apex of the plant body with entire spine bent or in short spines (1 to 3 mm (0.04 to 0.12 in) long), strongly hooked with the tip almost touching the surface of the areole
Lateral Spines	Usually displayed in pairs on either side of the abaxial spine; they are of approximately the same length and thickness but are relatively straight without obvious bent tip of the abaxial spine; these diverge from abaxial spine at an acute angle, usually between 20 and 50 degrees	Usually displayed in pairs on either side of the abaxial spine and are of approximately same length and thickness but are more or less straight without obvious bent tip of abaxial spine; these diverge from the abaxial spine at acute angle, usually between 20 and 50 degrees	Usually absent; when present, are on either side of abaxial spine and are of approximately same length and thickness, more or less straight without the obvious bend or hook of abaxial spine, and diverge from abaxial spine at acute angle (usually between 20 and 50 degrees)
Flowers	Fragrant and funnellform (funnel-shaped) or rarely campanulate (bell-shaped), 3 to 6 cm (1.2 to 2.4 in) long, and 3 to 5 cm (1.2 to 2.0 in) in diameter	Fragrant and funnellform, 2 to 5 cm (0.8 to 2 in) long and 2 to 5 cm (0.8 to 2 in) in diameter	Campanulate 1.0 to 1.5 cm (0.4 to 0.6 in) (occasionally up to 3 cm (1.2 in)) high, and 1.2 to 3 cm (0.4 to 1.2 in) in diameter
Tepals (the colored corolla parts of the cactus flower)	Consist of two whorls. Outer: 20 to 30 tepals; have broad, greenish-lavender midstripe with pink margins, and are oblanceolate; tepals transition from small, leaf-like scales low on the floral tube to petal-like structures near rim of floral tube; are 4 to 30 mm (0.16 to 1.2 in) long and 4 to 6 mm (0.16 to 0.24 in) wide. Inner: 12 to 20 tepals, pale pink to dark pink, oblanceolate to lanceolate, and 25 to 35 mm (1 to 1.4 in) long and 4 to 6 mm (0.16 to 0.24 in) wide; borne at rim of floral tube	Consist of two whorls. Outer: 20 to 30 tepals; have broad, brownish-lavender midstripe with pink to violet margins; oblanceolate, transition from small leaf-like scales low on the floral tube to petal-like structures near the rim of the floral tube, and are 4 to 30 mm (0.16 to 1.2 in) long and 4 to 6 mm (0.16 to 0.24 in) wide. Inner: 12 to 20 tepals; pink to violet, oblanceolate to lanceolate, are 17 to 30 mm (0.67 to 1.2 in) long, and 3 to 6 mm (0.12 to 0.24 in) wide; borne at rim of floral tube	Consist of two whorls. Outer: 20 to 30 tepals; greenish to purple with a brownish midstripe and pink or purple margins; oblanceolate and transition from small, leaf-like scales low on the floral tube to petal-like structures near the rim of the floral tube; 4 to 16 mm (0.16 to 0.63 in) long and 2 to 6 mm (0.08 to 0.24 in) wide. Inner: 12 to 20 tepals; pink to purple, oblanceolate to lanceolate, 10 to 22 mm (0.40 to 0.87 in) long and 3 to 7 mm (0.12 to 0.28 in) wide; borne at rim of floral tube
Stamens	Numerous, have yellow anthers attached by filaments (from green to white) to the interior surface of the floral tube	Numerous, with yellow anthers attached by green-to-white filaments to the interior surface of the floral tube	Numerous, with yellow anthers attached by green-to-white filaments to the interior surface of the floral tube
Floral Tube	Arises from upper margin of the seed-producing ovary	Arises from upper margin of the seed-producing ovary	Arises from the upper margin of the seed-producing ovary
Ovary	Bears one style (from pink to yellow) with stigma of about 12 lobes. After pollination, ovary ripens into dry fruit in approximately 4 to 6 weeks, with 15 to 30 seeds turning from green to brown	Bears one style (from pink to yellow) with stigma of about 12 lobes. After pollination, ovary ripens into dry fruit in about 4 to 6 weeks, with 15 to 30 seeds turning from green to brown	Bears one style (from pink to yellow) with stigma of about 12 lobes. After pollination, ovary ripens into dry fruit in about 4 to 6 weeks, with 15 to 30 seeds turning from green to brown
Fruit	Ovoid, barrel-shaped, 9 to 30 mm (0.35 to 1.2 in) long (usually less than 22 mm (0.87 in) long), and 8 to 12 mm (0.31 to 0.47 in) wide	Ovoid, barrel-shaped, 9 to 30 mm (0.35 to 1.2 in) long (usually less than 25 mm (1 in) long), and 7 to 12 mm (0.28 to 0.47 in) wide	Ovoid, barrel-shaped, 9 to 30 mm (0.35 to 1.2 in) long (usually less than 25 mm (1 in) long), and 7 to 12 mm (0.28 to 0.47 in) wide



Dated: August 24, 2009.

**Will Shafroth,**

*Acting Director, U.S. Fish and Wildlife Service.*

[FR Doc. E9-22125 Filed 9-14-09; 8:45 am]

BILLING CODE 4310-55-S

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 32**

**2008-2009 Refuge-Specific Hunting and Sport Fishing Regulations**

*CFR Correction*

In Title 50 of the Code of Federal Regulations, Parts 18 to 199, revised as of October 1, 2008, on page 347, in § 32.42, following Big Stone National Wildlife Refuge, reinstate Big Stone Wetland Management District to read as follows:

**§ 32.42 Minnesota.**

\* \* \* \* \*

**Big Stone Wetland Management District**

*A. Migratory Game Bird Hunting.* We allow hunting of migratory game birds throughout the district in accordance with State regulations subject to the following conditions:

1. We prohibit the use of motorized boats.
2. We prohibit the construction or use of permanent blinds, stands, or scaffolds.
3. You must remove all personal property, which includes boats, decoys, and blinds brought onto the WPA each day (see §§ 27.93 and 27.94 of this chapter).
4. We allow the use of hunting dogs, provided the dog is under the immediate control of the hunter at all times during the State-approved hunting season (see § 26.21(b) of this chapter).
5. We prohibit camping.

*B. Upland Game Hunting.* We allow upland game hunting throughout the district in accordance with State regulations subject to the following conditions: Conditions A4 and A5 apply.

*C. Big Game Hunting.* We allow big game hunting throughout the district in accordance with State regulations subject to the following conditions:

1. Hunters may use portable stands. Hunters may not construct or use permanent blinds, permanent platforms, or permanent ladders.
2. You must remove all stands and personal property from the WPAs each day (see §§ 27.93 and 27.94 of this chapter).
3. We prohibit hunters occupying ground and tree stands that are illegally set up or constructed.
4. Condition A5 applies.

*D. Sport Fishing.* We allow fishing throughout the district in accordance with State regulations subject to the following conditions:

1. We prohibit the use of motorized boats.

2. You must remove all ice fishing shelters and all other personal property from the WPAs each day (see § 27.93 of this chapter).

3. Condition A5 applies.

\* \* \* \* \*

[FR Doc. E9-22260 Filed 9-14-09; 8:45 am]

BILLING CODE 1505-01-D

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 648**

[Docket No. 0809251266 81485 02]

RIN 0648-XQ56

**Fisheries of the Northeastern United States; Scup Fishery; Adjustment to the 2009 Winter II Quota**

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

**ACTION:** Temporary rule; inseason adjustment.

**SUMMARY:** NMFS adjusts the 2009 Winter II commercial scup quota. This action complies with Framework Adjustment 3 (Framework 3) to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan, which established a process to allow the rollover of unused commercial scup quota from the Winter I period to the Winter II period.

**DATES:** Effective September 15, 2009, through December 31, 2009.

**FOR FURTHER INFORMATION CONTACT:** Sarah Bland, Fishery Management Specialist, (978) 281-9257.

**SUPPLEMENTARY INFORMATION:** NMFS published a final rule in the **Federal Register** on November 3, 2003 (68 FR 62250), implementing a process, for years in which the full Winter I commercial scup quota is not harvested, to allow unused quota from the Winter I period (January 1 through April 30) to be added to the quota for the Winter II period (November 1 through December 31), and to allow adjustment of the commercial possession limits for the Winter II period commensurate with the amount of quota rolled over from the Winter I period.

For 2009, the initial Winter II quota is 1,334,791 lb (605 mt), and the best available landings information indicates that 14,960 lb (7 mt) remain of the Winter I quota of 3,777,443 lb (1,713 mt). Consistent with the intent of Framework 3, the full amount of unused 2009 Winter I quota is transferred to Winter II, resulting in a revised 2009

Winter II quota of 1,349,751 lb (612 mt). Because the amount transferred is less than 499,999 lb (227 mt), the possession limit per trip will remain 2,000 lb (907 kg) during the Winter II quota period, consistent with the final rule Winter I to Winter II possession limit increase table (table 4) published in the 2009 final scup specifications (74 FR 35, January 2, 2009).

**Classification**

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

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

Dated: September 10, 2009.

**Alan D. Risenhoover,**

*Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 648**

[Docket No. 070817467-8554-02]

RIN 0648-XR58

**Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Limited Access General Category Scallop Fishery to Individual Fishing Quota Scallop Vessels**

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

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS announces that the Limited Access General Category (LAGC) scallop fishery will close to individual fishing quota (IFQ) scallop vessels (including vessels issued an IFQ letter of authorization (LOA) to fish under appeal), effective 0001 hours, September 15, 2009, until it re-opens on December 1, 2009, under current regulations. This action is based on the determination that the third quarter scallop total allowable catch (TAC) for LAGC IFQ scallop vessels is projected to be landed. This will prevent IFQ scallop vessels from exceeding the 2009 third quarter TAC, in accordance with the regulations implementing Amendment 11 to the Atlantic Sea Scallop Fishery Management Plan (FMP), enacted by Framework 19 to the FMP, and the