

**ADDRESSES:** Comments submitted by e-mail must be sent to the following address: [FRNpermits.SR@noaa.gov](mailto:FRNpermits.SR@noaa.gov). The application and related documents are available for review by appointment, for Permit 10017: Protected Resources Division, NMFS, 777 Sonoma Avenue, Room 315, Santa Rosa, CA 95404 (ph: 707-575-6097, fax: 707-578-3435).

**FOR FURTHER INFORMATION CONTACT:** Jeffrey Jahn at phone number 707-575-6097, or e-mail: [Jeffrey.Jahn@noaa.gov](mailto:Jeffrey.Jahn@noaa.gov).

**SUPPLEMENTARY INFORMATION:**

**Authority**

Issuance of permits and permit modifications, as required by the Endangered Species Act of 1973 (16 U.S.C. 1531-1543) (ESA), is based on a finding that such permits/modifications: (1) are applied for in good faith; (2) would not operate to the disadvantage of the listed species which are the subject of the permits; and (3) are consistent with the purposes and policies set forth in section 2 of the ESA. Authority to take listed species is subject to conditions set forth in the permits. Permits and modifications are issued in accordance with and are subject to the ESA and NMFS regulations governing listed fish and wildlife permits (50 CFR parts 222-226).

Those individuals requesting a hearing on an application listed in this notice should set out the specific reasons why a hearing on that application would be appropriate (see **ADDRESSES**). The holding of such a hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in the permit action summaries are those of the applicant and do not necessarily reflect the views of NMFS.

**Species Covered in This Notice**

This notice is relevant to federally endangered Central California Coast coho salmon (*Oncorhynchus kisutch*) and threatened Central California Coast steelhead (*O. mykiss*).

**Application Received**

CDPR requests a 5-year permit (10017) for take of adult and juvenile Central California Coast coho salmon and Central California Coast steelhead to assess salmonid population distribution, abundance, and habitat in San Gregorio Creek, Pomponio Creek, and Pescadero Creek watersheds in San Mateo County, California. The research particularly seeks to identify the cause of annual fish die-off events in Pescadero Lagoon and recommend habitat restoration actions to prevent future fish die-off events from occurring.

CDPR requests authorization for an estimated annual non-lethal take of 12 adult Central California Coast coho salmon and 75 adult Central California Coast steelhead, with no more than a single (1) individual adult Central California Coast steelhead unintentional mortality to result from capture (by seine, weir-trap, or dip-net), anesthetizing, handling, fin-clipping, scale-sampling, passive integrated transponder (PIT)-tagging, visible implant elastomer (VIE)-tagging, and release of fish. CDPR requests authorization for an estimated annual non-lethal take of 40 juvenile Central California Coast coho salmon, with no more than 5 percent unintentional mortality to result from capture (by seine, fyke-net trap, electrofishing, or dip-net), handling, and release of fish; and an estimated annual non-lethal take of 1,520 juvenile Central California Coast steelhead, with no more than 7 percent unintentional mortality to result from capture (by seine, fyke-net trap, electrofishing, or dip-net), anesthetizing, handling, fin-clipping, scale-sampling, PIT-tagging, VIE-tagging, and release of fish. In the event of any future fish die-off events in Pescadero Lagoon, CDPR also requests authorization for an estimated annual take of 5 juvenile Central California Coast steelhead carcasses (previously dead individuals) and an estimated annual lethal-take of 5 sick or injured juvenile Central California Coast steelhead to be lethally sacrificed for pathology analysis.

Dated: July 13, 2007.

**Ann Garrett,**

*Acting Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. E7-14116 Filed 7-20-07; 8:45 am]

**BILLING CODE 3510-22-S**

**DEPARTMENT OF COMMERCE**

**National Telecommunications and Information Administration**

**Public Safety Interoperable Communications (PSIC) Grant Program**

**AGENCY:** National Telecommunications and Information Administration, Commerce.

**ACTION:** Notice of Availability of Funds.

**SUMMARY:** The Deficit Reduction Act of 2005, Title III of the Deficit Reduction Act of 2005, directed the National Telecommunications and Information Administration (NTIA), in consultation with the Department of Homeland Security (DHS), to establish and

implement a \$1 billion grant program to assist public safety agencies in the acquisition of, deployment of, or training for the use of interoperable communications systems that utilize, or enable interoperability with communications systems that can utilize, reallocated public safety spectrum for radio communications.

The Public Safety Interoperable Communications (PSIC) Grant Program is a one-time formula-based, matching grant program intended to enhance interoperable communications with respect to voice, data, and/or video signals. PSIC provides public safety agencies with the opportunity to achieve meaningful and measurable improvements to the state of public safety communications interoperability through the full and efficient use of telecommunications resources.

**DATES:** This final rule is effective on July 23, 2007. Each State and Territory must submit its application and narrative no later than 11:59 p.m. Eastern Daylight Time 30 days after publication in the **Federal Register**. Failure to properly register and apply for PSIC funds by the deadlines will result in forfeiture of the grant opportunity. Applications submitted by facsimile are not acceptable.

**ADDRESSES:** To ensure a successful submission, a State Administrative Agency (SAA) must apply for PSIC Grant Program funding through the online [Grants.gov](http://Grants.gov) system through the Authorized Organization Representative (AOR). Instructions to initiate the registration process is available on the [Grants.gov](http://Grants.gov) website ([www.grants.gov](http://www.grants.gov)). Application forms and instructions are available at [Grants.gov](http://Grants.gov). The application package must be submitted through that [Grants.gov](http://Grants.gov). The program title listed in the CDFA is "PSIC Grant Program." The CDFA number is **11.555**.

**FOR FURTHER INFORMATION CONTACT:** Laura Pettus, Program Specialist, Public Safety Interoperable Communications, telephone: (202) 482-5802; fax: (202) 482-2156. Information about the PSIC can also be obtained electronically via the Internet at [www.ntia.doc.gov/psic](http://www.ntia.doc.gov/psic).

**SUPPLEMENTARY INFORMATION:**

**Electronic Access**

The full funding opportunity announcement for the PSIC grant cycle is available through [www.grants.gov](http://www.grants.gov) or by contacting the PSIC website at: [www.ntia.doc.gov/psic](http://www.ntia.doc.gov/psic).

**Program Information**

The PSIC Grant Program will assist public safety agencies in the acquisition of, deployment of, or training for the use

of interoperable communications systems that utilize—or enable interoperability with communications systems that can utilize—reallocated public safety spectrum in the 700 Megahertz (MHz) frequency band. While some regions may not be able to access the 700 MHz frequency band until 2009, public safety agencies are still eligible for funding to help meet their interoperability needs so long as the proposed solutions are designed to interoperate with the 700 MHz band in the future. NTIA is seeking solutions from public safety agencies that (1) Achieve meaningful and measurable improvements in the state of interoperability for public safety communications and (2) fill interoperability gaps identified in the Statewide Plans.

NTIA recognizes that many solutions exist to achieve interoperability, and the PSIC Grant Program will not dictate a specific technology solution for public safety agencies. However, NTIA has identified the following technology and all hazards related priorities that States and Territories must consider when selecting projects for PSIC funding:

1. Technology
  - a. Adopt advanced technological solutions
  - b. Improve spectrum efficiency
  - c. Use cost-effective measures
2. All Hazards Mitigation
  - a. Improve communications in areas at high risk for natural disasters
  - b. Continue to improve interoperability efforts in urban and metropolitan areas at high risk for threats of terrorism

**Funding Availability**

The PSIC Grant Program will make \$968,385,000 available in grant awards. The table below identifies available PSIC funding for each State and Territory:

**Table 1 - PSIC State/Territory Allocation**

State/Territory	PSIC Funding
Alabama .....	\$13,585,399
Alaska .....	\$7,250,345
American Samoa .....	\$691,948
Arizona .....	\$17,713,050
Arkansas .....	\$11,169,402
California .....	\$94,034,510
Colorado .....	\$14,336,638
Connecticut .....	\$12,999,879
Delaware .....	\$8,196,842
District of Columbia .....	\$11,857,972
Florida .....	\$42,888,266
Georgia .....	\$25,311,354
Guam .....	\$2,600,678
Hawaii .....	\$8,069,879
Idaho .....	\$7,289,795

**Table 1 - PSIC State/Territory Allocation—Continued**

State/Territory	PSIC Funding
Illinois .....	\$36,414,263
Indiana .....	\$18,291,735
Iowa .....	\$10,935,974
Kansas .....	\$10,667,169
Kentucky .....	\$15,405,625
Louisiana .....	\$19,672,287
Maine .....	\$7,567,579
Maryland .....	\$22,934,593
Massachusetts .....	\$21,191,988
Michigan .....	\$25,039,781
Minnesota .....	\$14,262,071
Mississippi .....	\$10,989,345
Missouri .....	\$17,465,576
Montana .....	\$6,549,685
Nebraska .....	\$8,582,108
Nevada .....	\$12,042,417
New Hampshire .....	\$5,966,760
New Jersey .....	\$30,806,646
New Mexico .....	\$8,288,725
New York .....	\$60,734,783
North Carolina .....	\$22,130,199
North Dakota .....	\$7,052,490
Northern Mariana Islands .....	\$719,236
Ohio .....	\$29,377,337
Oklahoma .....	\$11,684,183
Oregon .....	\$12,182,532
Pennsylvania .....	\$34,190,555
Puerto Rico .....	\$9,590,025
Rhode Island .....	\$7,365,694
South Carolina .....	\$13,499,308
South Dakota .....	\$6,549,691
Tennessee .....	\$17,540,752
Texas .....	\$65,069,247
U.S. Virgin Islands .....	\$856,907
Utah .....	\$10,353,261
Vermont .....	\$4,476,761
Virginia .....	\$25,012,521
Washington .....	\$19,180,347
West Virginia .....	\$8,429,484
Wisconsin .....	\$15,367,216
Wyoming .....	\$5,952,187
<b>Total .....</b>	<b>\$968,385,000</b>

**Statutory and Regulatory Authority**

PSIC grants are authorized by Section 3006 of the Deficit Reduction Act of 2005, Pub. L. No. 109–171, and Section 4 of the Call Home Act of 2006, Pub. L. No. 109–459.

**Catalog of Domestic Federal Assistance**  
11.555, Public Safety Interoperable Communications Grant Program

**Eligibility**

To apply for and receive a PSIC grant, an applicant must be one of the 56 States and Territories. The Governor of each State has designated a State Administrative Agent (SAA), which can apply for and administer the funds under the PSIC Grant Program. The SAA is the only agency eligible to apply for PSIC funds. Additionally, the SAA is the grantee in the management and administration of all funds provided through this award. The SAA is responsible for obligating PSIC funds to

eligible pass-through recipients. A recipient must be a public safety agency that is a State, local, or tribal government entity or nongovernmental organization authorized by such entity, whose sole or principal purpose is to protect safety of life, health, or property.

**Evaluation Criteria**

Eligible applicants must follow the three steps to apply for PSIC funds: submit an application and brief narrative, submit a Statewide Communications Interoperability Plan (Statewide Plan), and submit Investment Justification(s). The first step includes submitting an application on *Grants.gov*. NTIA and DHS program staff will review each application for completeness and adherence to PSIC program rules. Applications will be approved by the Assistant Secretary for Communications and Information, Department of Commerce, and PSIC funds will be awarded no later than September 30, 2007. The second step includes submitting a Statewide Plan, as required by Section I.C.5 of the 2006 Homeland Security Grant Program Guidance and Application Kit. Each State and Territory must submit its final Statewide Plan by November 1, 2007. The Statewide Plan will be reviewed by peer and subject matter expert groups and approved by the Department of Homeland Security. NTIA will also review each Statewide Plan to ensure that States and Territories address the three PSIC requirements set forth below. The third step includes submitting Investment Justification(s), which must be submitted by November 1, 2007. The Investment Justifications are to be submitted in conjunction with final Statewide Plans to the National Preparedness Directorate (NPD) Secure Portal at <https://odp.esportals.com>. The Investment Justification(s) will also be reviewed by peer and subject matter expert groups as well as NTIA and DHS program staff. Based on the recommendations of the peer and subject matter expert groups and NTIA and DHS program staff, the Assistant Secretary for Communications and Information, will approve Investment Justifications. If the peer review and subject matter groups include any non-federal employees no consensus advice will be provided by the groups. The applications and Investment Justification(s) are information collections subject to the Paperwork Reduction Act, and have been approved by the Office of Management and Budget under their respective OMB control numbers. See heading entitled Paperwork Reduction Act below.

### Funding Priorities and Selection Factors

NTIA recognizes that many solutions exist to achieve interoperability, and the PSIC Grant Program will not dictate the technology or approach for public safety agencies. However, NTIA has identified that when selecting projects for PSIC funding States and Territories must consider: (1) Technology, including adoption of advanced technological solutions, improved spectrum efficiency, and cost effective measures; and (2) solutions that support capabilities in response to all hazards approach regardless of their source or cause, including improving communications in areas at high risk for natural disasters and in urban and metropolitan areas at high risk for threats of terrorism.

In addition, NTIA will review each Statewide Plan to ensure that States and Territories address the following three PSIC requirements: How public safety agencies will acquire, deploy, and train on communications systems that use—or enable interoperability with communications systems that use—the public safety spectrum in the 700 megahertz frequency band; how local and tribal government entities' interoperable communications needs have been included in the planning process and how their needs are being addressed, if applicable; and how authorized nongovernmental organizations' interoperable communications needs have been included in the planning process and how their needs are being addressed, if applicable.

### Cost Sharing Requirements

The PSIC Grant Program requires cost sharing. By statute, each public safety agency receiving PSIC funds is required to meet and document the 20 percent statutory match requirement for each project. The SAA is required to track and report the 20 percent match requirement for each individual project that receives PSIC funds for efforts other than training, which do not require any match. The match requirements can be met through cash or in-kind sources consistent with 15 CFR §§ 24.3, 24.24. This documentation must demonstrate that match funds are from non-federal sources. As provided in 48 U.S.C. § 1469a, the matching requirement does not apply to the first \$200,000 in grant funds awarded to the Territorial governments in Guam, American Samoa, the U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands. Training activities are excluded from this match requirement; however,

training activities can make up no more than 20 percent of a State's or Territory's total investments.

### Intergovernmental Review

This program is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. See 7 CFR Part 3015, subpart V.

### Universal Identifier

The SAA must provide a Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) number with the PSIC application. This number is a required field within Grants.gov and for CCR Registration. Organizations should verify that they have a DUNS number or take the steps necessary to obtain one as soon as possible. (Applicants can receive a DUNS number at no cost by calling the dedicated toll-free DUNS Number request line at 1-800-333-0505 or via the Internet ([www.dunandbradstreet.com](http://www.dunandbradstreet.com)).

### Limitation of Liability

In no event will the Department of Commerce be responsible for proposal preparation costs if this program fails to receive funding or is cancelled because of other agency priorities. Publication of this announcement does not obligate the agency to award any specific project or to obligate any available funds.

### Paperwork Reduction Act

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act (PRA), unless that collection displays a currently valid Office of Management and Budget (OMB) control number. The use of Standard Forms 424, 424A, 424B, 424D, and SF-LLL has been approved by OMB under the respective control numbers 0348-0043, 0348-0044, 0348-0040, 0348-0042, and 0348-0046. The Investment Justification is an element required under Standard Form 424A and has been approved by OMB under control number 0348-0044.

### Executive Order 12866

This rule has been determined to be Economically Significant under Executive Order 12866. NTIA was directed by the Deficit Reduction Act of 2005 to implement the PSIC Grant Program. The Act authorized NTIA to implement a grant program to assist public safety agencies in the acquisition of, deployment of, or training for the use

of interoperable communications systems that utilize reallocated public safety spectrum for radio communications. The PSIC Grant Program will make \$968,385,000 (2007) available in grant awards. This is a one-time transfer program where funds will be awarded no later than September 30, 2007.

### Executive Order 13132, Federalism

It has been determined that this notice does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

### Administrative Procedure Act/Regulatory Flexibility Act

Prior notice and opportunity for public comment are not required by the Administrative Procedure Act or any other law for this rule concerning grants, benefits, and contracts (5 U.S.C. § 553(a)(2)). Because notice and opportunity for comment are not required pursuant to 5 U.S.C. § 553 or any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. § 601 *et seq.*) are inapplicable. Therefore, a regulatory flexibility analysis has not been prepared.

### Congressional Review of Agency Rulemaking

NTIA has submitted this final rule to the Congress and the Government Accountability Office under the Congressional Review of Agency Rulemaking Act, 5 U.S.C. § 801 *et seq.* The rule is a "major rule" within the meaning of the Act because it will result in an annual effect on the economy of \$100,000,000 or more. The rule sets out the administrative procedures for making grants to State, local, tribal and other public safety agencies to improve their communications interoperability in response to manmade and natural disasters. NTIA will award \$968,385,000 available in grants under this program.

NTIA serves as the President's principal adviser on telecommunications and information policies and its mission includes assisting the Executive Branch in the development of policies and standards related to interoperability, spectrum use, and emergency readiness.<sup>1</sup> Improving public safety interoperable communications for our nation's first responders has increasingly become a national priority in the wake of terrorism incidents, including 9/11, and

<sup>1</sup> See 47 U.S.C. § 902(b)(2)(D),(H).

natural disasters such as Hurricane Katrina.<sup>2</sup>

Consistent with that objective, Congress enacted and the President signed into law on February 8, 2006, the Digital Television and Public Safety Act of 2005, Title III of the Deficit Reduction Act of 2005. Among other things, this statute makes available analog television spectrum available for new communications services, including public safety interoperable communications in the 700 MHz band, by terminating television licenses in these frequencies on February 17, 2009. In addition, the Act requires the returned analog television spectrum be auctioned and the proceeds used to fund various new programs to promote the digital television transition, to improve public safety interoperable communications, and to reduce the deficit.

Specifically, Section 3006 of the Act directs NTIA to establish and implement a \$1 billion grant program to assist public safety agencies in the acquisition of, deployment of, or training for the use of interoperable communications systems that utilize, or enable interoperability with communications systems that can utilize, reallocated public safety spectrum for radio communications in the 700 MHz band. To spur the rapid distribution of these grant funds to our nation's first responders, the Act authorizes NTIA to borrow the funds needed for the grants as of October 1, 2006, well in advance of the receipt of auction proceeds. To further ensure the swift award of these grants to public safety agencies, Congress subsequently enacted and the President signed into law on December 22, 2006, the Call Home Act of 2006. Section 4 of this statute requires NTIA to make grant awards no later than September 30, 2007.

A 60-day delay in implementing this final rule would hamper NTIA's mission to improve public safety interoperable communications and be contrary to clear Congressional intent as expressed in Section 3006 of the Deficit Reduction

Act and Section 4 of the Call Home Act. If NTIA is not able to implement this program and make awards under this program before September 30, 2007, the \$1 billion may not be available after September 30, 2007 for NTIA to fulfill its statutory mandate. In order for NTIA to comply with this statutory mandate, eligible entities must submit applications no later than 30 days after publication in the **Federal Register**. Thus, in compliance with section 808(2) of the Congressional Review of Agency Rulemaking Act, 5 U.S.C. § 808(2), for good cause, NTIA finds that notice and public comment on this final rule is impracticable and contrary to the public interest. Accordingly, this final rule is effective on July 23, 2007.

Dated: July 18, 2007.

**John M.R. Kneuer,**

*Assistant Secretary for Communications and Information.*

[FR Doc. 07-3569 Filed 7-20-07; 8:45 am]

**BILLING CODE 3510-60-P**

## DEPARTMENT OF DEFENSE

### GENERAL SERVICES ADMINISTRATION

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000-0135]

#### Submission for OMB Review; Prospective Subcontractor Requests for Bonds

**AGENCIES:** Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of request for public comments regarding an extension to an existing OMB clearance (9000-0135).

**SUMMARY:** Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning Subcontractor Payments. A request for public comments was published in the **Federal Register** at 72 FR 19187, April 17, 2007. No comments were received.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the

public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

**DATES:** Comments may be submitted on or before August 22, 2007.

**ADDRESSES:** Comments including suggestions for reducing this burden should be submitted to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, FAR Secretariat (VIR), 1800 F Street, NW, Room 4035, Washington, DC 20405.

**FOR FURTHER INFORMATION CONTACT** Ms. Cecelia Davis, Contract Policy Division, GSA (202) 219-0202.

#### SUPPLEMENTARY INFORMATION:

##### A. Purpose

Part 28 of the FAR contains guidance related to obtaining financial protection against damages under Government contracts (e.g., use of bonds, bid guarantees, insurance etc.). Part 52 contains the texts of solicitation provisions and contract clauses. These regulations implement a statutory requirement for information to be provided by Federal contractors relating to payment bonds furnished under construction contracts which are subject to the Miller Act (40 USC 270a-270d). This collection requirement is mandated by Section 806 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (P.L. 102-190), as amended by Section 2091 of the Federal Acquisition Streamlining Act of 1994 (P.L. 103-335). The clause at 52.228-12, Prospective Subcontractor Requests for Bonds, implements Section 806(a)(3) of P.L. 102-190, as amended, which specifies that, upon the request of a prospective subcontractor or supplier offering to furnish labor or material for the performance of a construction contract for which a payment bond has been furnished to the United States pursuant to the Miller Act, the contractor shall promptly provide a copy of such payment bond to the requestor.

In conjunction with performance bonds, payment bonds are used in Government construction contracts to secure fulfillment of the contractor's obligations under the contract and to assure that the contractor makes all payments, as required by law, to persons furnishing labor or material in

<sup>2</sup> See e.g., *The 9/11 Commission Report*, at 397 (July 2004); Public Safety Communications from 9/11 to Katrina: Critical Public Policy Lessons, 109th Cong. 1-4 (Sept. 29, 2005) (statement of Representative Fred Upton, Chairman, Subcommittee on Telecommunications and the Internet, House Committee on Energy and Commerce); *Communications Interoperability - Session I*, 109th Cong. (Sept 29, 2005) (statement of Senator Ted Stevens, Chairman, Committee on Commerce, Science, and Transportation, at [http://commerce.senate.gov/public/index.cfm?FuseAction=Hearings.Statement&Statement\\_ID=126](http://commerce.senate.gov/public/index.cfm?FuseAction=Hearings.Statement&Statement_ID=126)); *The Federal Response to Hurricane Katrina Lesson Learned*, at 44 (Feb. 2006).