

**DEPARTMENT OF COMMERCE****International Trade Administration****U.S.-European Union (EU) Safe Harbor Framework—Notice of Request for Public Comment**

**AGENCY:** International Trade Administration, Department of Commerce.

**ACTION:** Notice of request for public comment.

**SUMMARY:** The Department of Commerce's International Trade Administration (ITA) is proposing implementation of a cost recovery program to support the operation of the U.S.-European Union (EU) Safe Harbor Framework. The Framework allows U.S. companies to satisfy the requirements of the EU's Directive on Data Protection when transferring personal information from the EU, thereby ensuring uninterrupted data transfers worth billions of dollars in trade between the EU and the United States. As the program has grown from 6 companies to nearly 1,700, so too have the requests from these U.S. companies for Safe Harbor-related services, including education, outreach, and counseling. ITA is responsible for managing the U.S.-EU Safe Harbor Framework for the Administration. In order to better serve ITA's clients, ITA is proposing to establish a two-tiered fee structure in which new clients would be required to pay a \$200 registration (processing) fee and existing clients who renew their certification commitment to Safe Harbor would pay \$100 each year following their initial certification.

**DATES:** Comments must be received by December 16, 2008.

**ADDRESSES:** Input on or inquiries about ITA's proposed cost recovery program for operation of the U.S.-EU Safe Harbor Framework should be addressed to the contact below, and received by close of business on December 16, 2008.

**FOR FURTHER INFORMATION CONTACT:** David A. Ritchie, U.S. Department of Commerce, Office of Technology and Electronic Commerce, 1401 Constitution Avenue, NW., Room 2003, Washington, DC 20230; Telephone: 202-482-4936.; e-mail: [david.ritchie@mail.doc.gov](mailto:david.ritchie@mail.doc.gov).

Dated: December 2, 2008.

**Robin Layton,**

*Director, Office of Technology and Electronic Commerce.*

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**DEPARTMENT OF COMMERCE****National Telecommunications and Information Administration**

**Docket No. 0811251525-81526-01**

**Pan-Pacific Education and Communications Experiments by Satellite (PEACESAT): Closing Date**

**AGENCY:** National Telecommunications and Information Administration (NTIA), U.S. Department of Commerce

**ACTION:** Notice of Closing Date for Solicitation of Applications.

**SUMMARY:** Pursuant to the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009, Public Law 110-329 (2008), the U.S. Department of Commerce announces the solicitation of applications for a grant for the Pan-Pacific Education and Communications Experiments by Satellite (PEACESAT) Program. Projects funded pursuant to this Notice are intended to support the PEACESAT Program's acquisition of satellite communications to service Pacific Basin communities and to manage the operations of this network. Applications for the PEACESAT Program grant will compete for funds from the Public Broadcasting, Facilities, Planning and Construction Funds account.

**DATES:** Applications must be received on or before 5 p.m. Eastern Standard Time, January 15, 2009. Applications submitted by facsimile are not acceptable. NTIA will not accept applications received after the deadline. However, if an application is received after the Closing Date due to (1) carrier error, when the carrier accepted the package with a guarantee for delivery by the Closing Date and Time, or (2) significant weather delays or natural disasters, NTIA will, upon receipt of proper documentation, consider the application as having been received by the deadline.

**ADDRESSES:** To obtain a printed application package, submit completed applications, or send any other correspondence, write to: NTIA/PTFP, Room H-4812, U.S. Department of Commerce, 1401 Constitution Avenue, N.W., Washington, DC 20230. Application materials may be obtained electronically via the Internet at [www.grants.gov](http://www.grants.gov).

**FOR FURTHER INFORMATION CONTACT:** William Cooperman, Director, Public Broadcasting Division, telephone: (202) 482-5802; fax: (202) 482-2156.

**SUPPLEMENTARY INFORMATION:**

**Electronic Access**

The full funding opportunity announcement for the PEACESAT Fiscal Year (FY) 2009 grant cycle is available through [www.grants.gov](http://www.grants.gov) or by contacting the PTFP office at the address noted above. Application materials may be obtained electronically via the Internet [www.grants.gov](http://www.grants.gov).

**Funding Availability**

Issuance of grants is subject to the availability of FY 2009 funds. At this time, the Congress has passed the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009, Public Law No. 110-329 (2008), to fund operations from the Public Broadcasting, Facilities, Planning and Construction Funds account through March 6, 2009. Further notice will be made in the **Federal Register** about the final status of funding for this program at the appropriate time. Funding for the PEACESAT Program is authorized by Public Law 106-113, "The Consolidated Appropriations Act, Fiscal Year 2000." Public Law 106-113 provides "That, hereafter, notwithstanding any other provision of law, the Pan-Pacific Education and Communications Experiments by Satellite (PEACESAT) Program is eligible to compete for Public Broadcasting Facilities, Planning and Construction funds."

NTIA anticipates making a single award for approximately \$500,000 for the PEACESAT Program in FY 2009. For FY 2008, NTIA issued one award for the PEACESAT project in the amount of \$499,677.

**Statutory and Regulatory Authority**

The PEACESAT Program was authorized under Public Law 100-584 (102 Stat. 2970) and also Public Law 101-555 (104 Stat. 2758) to acquire satellite communications services to provide educational, medical, and cultural needs of Pacific Basin communities. The PEACESAT Program has been operational since 1971 and has received funding from NTIA for support of the project since 1988.

Applications submitted in response to this solicitation for PEACESAT applications are not subject to the PTFP regulations at 15 CFR Part 2301.

**Catalog of Federal Domestic Assistance**

N/A

**Eligibility**

Eligible applicants will include any for-profit or non-profit organization, public or private entity, other than an agency or division of the Federal government. Individuals are not eligible

to apply for the PEACESAT Program funds.

### Evaluation and Selection Process

Each eligible application is evaluated by three independent reviewers who have demonstrated expertise in the programmatic and technological aspects of the application. The reviewers will evaluate applications according to the criteria in the following section and provide individual written ratings of each application. No consensus advice will be provided by the reviewers.

State Single Point of Contact (SPOC) offices, per Executive Order 12372, may provide recommendations on applications under consideration.

The Public Broadcasting Division (PBD) administers the PEACESAT Program and places a summary of applications received on the Internet. Listing an application merely acknowledges receipt of an application to compete for funding with other applications. Listing does not preclude subsequent return of the application or disapproval of the application, nor does it assure that the application will be funded. The listing will also include a request for comments on the applications from any interested party.

The reviewer's ratings are provided to the PBD staff and a rank order is prepared according to score. The PBD program staff prepares summary recommendations for the Director of the Public Broadcasting Division. These recommendations incorporate the outside reviewers' ratings and incorporate analysis based on the degree to which a proposed project meets the PEACESAT Program purposes and cost eligibility. Staff recommendations also consider (1) project impact, (2) the cost/benefit of a project, and (3) whether the reviewers consistently applied the evaluation criteria. The analysis by program staff is provided to the Director of the Public Broadcasting Division in writing.

The Director considers the summary recommendations prepared by program staff in accord with the funding priorities and selection factors referenced in the next section and recommends the funding order of the applications for the PEACESAT Program in three categories: "Recommended for Funding," "Recommended for Funding If Funds Are Available," and "Not Recommended for Funding." The Director presents recommendations to the Associate Administrator, Office of Telecommunications and Information Applications (OTIA), for review and approval.

Upon review and approval based on the funding priorities and selection

factors referenced in the next section by the Associate Administrator of the Office of Telecommunications and Information Applications (OTIA), the Associate Administrator's and the Director's recommendations are presented to the Selecting Official, the Assistant Secretary for Communications and Information, who is the NTIA Administrator. The NTIA Administrator selects the applications to be negotiated for possible grant award, taking into consideration the outside reviewers' ratings, the Director's recommendations, and the degree to which the slate of applications, taken as a whole, satisfies the PEACESAT Program's stated purposes.

The selected applications are negotiated between NTIA staff and the applicant. The negotiations are intended to resolve whatever differences might exist between the applicant's original request and what NTIA is considering funding. Negotiation does not ensure that an award will be made. When the negotiations are completed, the Director recommends final selections to the NTIA Administrator, applying the same selection factors described above. The Administrator then makes the final award selections from the negotiated applications taking into consideration the Director's recommendations and the degree to which the slate of applications, taken as a whole, satisfies the stated purposes for the PEACESAT Program.

### Funding Priorities and Selection Factors

The PBD Director will consider the summary evaluations prepared by program staff, rank the applications, and present recommendations to the OTIA Associate Administrator for review and approval. The Director's recommendations and the OTIA Associate Administrator's review and approval will take into account the following selection factors:

- (1) The program staff evaluations, including the outside reviewers;
- (2) Whether the applicant has any current NTIA grants;
- (3) The geographic distribution of the proposed grant awards; and
- (4) The availability of funds.

Upon approval by the OTIA Associate Administrator, the Director's recommendations will then be presented to the Selecting Official, the NTIA Administrator.

The Administrator makes final award selections taking into consideration the Director's recommendations and the degree to which the slate of applications, taken as a whole, satisfies the program's stated purposes.

No grant will be awarded until confirmation has been received from the Federal Communications Commission that any necessary authorization will be issued.

After final award selections have been made, the Agency will notify the applicant of one of the following actions:

- (1) Selection of the application for funding, in whole or in part;
- (2) Deferral of the application for subsequent consideration; or
- (3) Rejection of the application with an explanation and the reason, if an applicant is not eligible or if the proposed project does not fall within the purposes of the PEACESAT program.

### Evaluation Criteria

Each eligible application that is timely received, is materially complete, and proposes an eligible project will be considered under the evaluation criteria described here. The first three criteria 1. Meeting the Purposes of the PEACESAT Program, 2. Extent of Need for the Project, and 3. Plan of Operation for the Project are each worth 25 points. Criterion 4, Budget and Cost Effectiveness, is worth 20 points. Criterion 5, Quality of Key Personnel, is worth 5 points.

**Criterion 1. Meeting the Purposes of the PEACESAT Program**, including (i) how well the proposal meets the objectives of the PEACESAT Program and (ii) how the objectives of the proposal further the purposes of the PEACESAT Program.

**Criterion 2. Extent of Need for the Project**. The extent to which the project meets the needs of the PEACESAT Program, including consideration of: (i) the needs addressed by the project; (ii) how the applicant identifies those needs; (iii) how those needs will be met by the project; and (iv) the benefits to be gained by meeting those needs.

**Criterion 3. Plan of Operation for the Project**, including (i) the quality of the design of the project; (ii) the extent to which the plan of management is effective and ensures proper and efficient administration of the project; (iii) how well the objectives of the project relate to the purposes of the PEACESAT Program; (iv) the quality of the applicant's plan to use its resources and personnel to achieve each objective; and (v) how the applicant will ensure that project participants who are otherwise eligible to participate are selected without regard to race, color, national origin, gender, age, or handicapped condition.

**Criterion 4. Budget and Cost Effectiveness**. The extent to which (i)

the budget is adequate to support the project; and (ii) costs are reasonable in relation to the objectives of the project.

**Criterion 5. Quality of Key Personnel** the applicant plans to use on the project, including (i) the qualifications of the project director if one is to be used; (ii) the qualifications of each of the other key personnel to be used in the project; (iii) the time that each person will commit to the project; and (iv) how the applicant, as part of its nondiscriminatory employment practices, will ensure that its personnel are selected for employment without regard to race, color, national origin, gender, age, or handicapped condition. In this section, "qualifications" refers to experience and training in fields related to the objectives of the project, and any other qualifications that pertain to the quality of the project.

#### Cost Sharing Requirements

Grant recipients under this program will not be required to provide matching funds toward the total project cost.

The costs allowable under this Notice are not subject to the limitation on costs contained in the October 20, 2008, Notice regarding the PTFP Program, see 73 FR 62258 (2008).

#### Intergovernmental Review

PEACESAT applications are subject to Executive Order 12372, "Intergovernmental Review of Federal Programs," if the state in which the applicant organization is located participates in the process. Usually submission to the State Single Point of Contact (SPOC) needs to be only the first two pages of the Application Form, but applicants should contact their own SPOC offices to find out about and comply with its requirements. The names and addresses of the SPOC offices are listed on the PTFP website and at the Office of Management and Budget's home page at <http://www.whitehouse.gov/omb/grants/spoc.html>.

#### Universal Identifier

All applicants (nonprofit, state, local government, universities, and tribal organizations) will be required to provide a Dun and Bradstreet Data Universal Numbering System (DUNS) number during the application process. See the October 30, 2002 (67 FR 66177) and April 8, 2003 (68 FR 17090) **Federal Register** notices for additional information. Organizations can receive a DUNS number at no cost by calling the dedicated toll-free DUNS Number request line 1-866-705-5711 or via the Internet at [www.dnb.com/us/](http://www.dnb.com/us/).

#### The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements

The Department of Commerce Pre-Award Notification of Requirements for Grants and Cooperative Agreements contained in the **Federal Register** notice of February 11, 2008 (73 FR 7696), is applicable to this solicitation.

#### 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 oblige 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 PEACESAT application package requires the use of the following forms: SF-424, SF-424A, SF-424B, SF-LLL. These forms have been approved under OMB Control Nos. 4040-0004, 4040-0006, 4040-007, and 0348-0046.

#### Executive Order 13132

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 rules concerning grants, benefits, and contracts (5 U.S.C. 553(a)). 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.

Dated: December 1, 2008.

**Dr. Bernadette McGuire-Rivera**,  
*Associate Administrator, Office of  
Telecommunications and Information  
Applications.*

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#### DEPARTMENT OF DEFENSE

##### Department of the Air Force

#### Implementation of 2005 Base Closure and Realignment (BRAC) Decision To Realign the Army 7th Special Forces Group (Airborne) to Eglin Air Force Base, FL

**ACTION:** Record of Decision (ROD).

**SUMMARY:** On November 20, 2008, the United States Air Force signed the ROD for the Implementation of 2005 Base Closure and Realignment (BRAC) Decision to Realign the Army 7th Special Forces Group (Airborne) to Eglin Air Force Base, Florida. The ROD states the Air Force decision to implement Cantonment Alternative 3 West of Duke Field (Preferred Alternative) and Range Alternative 3 East and West Side (Preferred Alternative). The decision was based on matters discussed in the Final Environmental Impact Statement (FEIS), inputs from the public and regulatory agencies, and other relevant factors. On October 17, 2008 the FEIS Notice of Availability was published in the **Federal Register** (Volume 73, Number 202, Page 61859) with a wait period ending November 17, 2008. The ROD documents only the decision of the Air Force with respect to the proposed Air Force actions for the Army 7th Special Forces Group realignment analyzed in the FEIS.

**FOR FURTHER INFORMATION CONTACT:** Mr. Mike Spaits, Eglin AFB Public Affairs, 96 ABW/PA, Eglin AFB, FL 32542-5000 or call (850) 882-2878.

**Bao-Anh Trinh,**

*Air Force Federal Register Liaison Officer.*

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#### DEPARTMENT OF DEFENSE

##### Department of the Army

#### Availability for Non-Exclusive, Exclusive, or Partially Exclusive Licensing of U.S. Provisional Patent Application Concerning Chest Tube Clamp

**AGENCY:** Department of the Army, DoD.  
**ACTION:** Notice.

**SUMMARY:** Announcement is made of the availability for licensing of the invention set forth in U.S. Provisional Patent Application Serial No. 61/043,242 entitled "Chest Tube Clamp," filed April 8, 2008. The United States Government, as represented by