

incorporate the latest technologies. Third, consistent with the Recovery Act, a limited waiver will help stimulate job growth for construction workers, technicians, equipment designers, engineers, and others who will operate the broadband infrastructure. Fourth, while the Office of Management and Budget has clarified which countries would be exempt from the Buy American provision, some of the key countries that produce broadband equipment would not be exempt. Finally, the broadband industry is very dynamic and global, and equipment can change over the course of a buildout. Subjecting public applicants for BTOP funds to the Buy American provision ultimately would slow broadband deployment and undermine the broadband initiatives.

### III. WAIVER

On June 19, 2009, based on the public interest finding discussed above and pursuant to section 1605(c), the Secretary granted a limited waiver of the Recovery Act's Buy American requirements with respect to BTOP funds used for the following essential components of a modern broadband infrastructure:

- *Broadband Switching Equipment* — Equipment necessary to establish a broadband communications path between two points.
- *Broadband Routing Equipment* — Equipment that routes data packets throughout a broadband network.
- *Broadband Transport Equipment* — Equipment for providing interconnection within the broadband provider's network.
- *Broadband Access Equipment* — Equipment facilitating the last mile connection to a broadband subscriber.
- *Broadband Customer Premises Equipment and End-User Devices* — End-user equipment that connects to a broadband network.
- *Billing/Operations Systems* — Equipment that is used to manage and operate a broadband network or offer a broadband service.

Note that this list does not include fiber optic cables, coaxial cables, cell towers, and other facilities that are produced in the United States in sufficient quantities to be reasonably available as end products. To the extent that an applicant wishes to use equipment that is not covered by this waiver, it may seek a waiver on a case-by-case basis as part of its application for BTOP funds, stating the statutory exemption upon which it is relying and its rationale for receiving a waiver. Further information on how to apply for

a waiver will be available in BTOP Application Guidelines.

Dated: June 26, 2009.

**Anna M. Gomez,**

*Acting Assistant Secretary for Communications and Information.*

[FR Doc. E9-15514 Filed 6-30-09; 8:45 am]

**BILLING CODE 3510-60-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XP04**

#### Notice of Intent to Prepare an Environmental Impact Statement for Sea Turtle Conservation and Recovery in Relation to the Atlantic Ocean and Gulf of Mexico Trawl Fisheries and to Conduct Public Scoping Meetings

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

**ACTION:** Notice; Extension of public comment period.

**SUMMARY:** In response to requests from members of the public, NMFS extends the public comment period on the notice of intent to prepare an Environmental Impact Statement (EIS) to comply with the National Environmental Policy Act (NEPA) by assessing potential impacts resulting from the proposed implementation of new sea turtle regulations in the Atlantic and Gulf of Mexico trawl fisheries. The comment period is now extended for an additional 30 days until August 10, 2009.

**DATES:** Comments will be accepted until August 10, 2009. Comments received or postmarked after that date will be considered to the extent practicable.

**ADDRESSES:** Written comments on the scope of the EIS should be sent to [Alexis.Gutierrez@noaa.gov](mailto:Alexis.Gutierrez@noaa.gov), 1315 East West Highway, Silver Spring, MD 20910; 301-713-2322 or fax 301-713-4060. Additional information, including the Scoping document, can be found at: <http://www.nmfs.noaa.gov/pr/species/turtles/strategy.htm>.

**FOR FURTHER INFORMATION CONTACT:** Dennis Klemm (ph. 727-824-5312, fax 727-824-5309, email [Dennis.Klemm@noaa.gov](mailto:Dennis.Klemm@noaa.gov)), Pasquale Scida (ph. 978-281-9208, fax 978-281-9394, email [Pasquale.Scida@noaa.gov](mailto:Pasquale.Scida@noaa.gov)), Alexis Gutierrez (ph. 301-713-2322, fax 301-713-4060, email [Alexis.Gutierrez@noaa.gov](mailto:Alexis.Gutierrez@noaa.gov)).

**SUPPLEMENTARY INFORMATION:**

## Background

On May 8, 2009, NMFS published a Notice of Intent to Prepare an Environmental Impact Statement (EIS) for Sea Turtle Conservation and Recovery in Relation to the Atlantic Ocean and Gulf of Mexico Trawl Fisheries and to Conduct Public Scoping Meetings (74 FR 21627). The Notice announced that NMFS is developing rulemaking to address sea turtle bycatch in state and Federal trawl fisheries under the Endangered Species Act. The notice also announced that NMFS would conduct five public scoping meetings. NMFS has now conducted those scoping meetings and has been asked to extend the comment period for an additional 30 days.

NMFS is asking for public comment on the alternatives outlined in the scoping document. NMFS will evaluate a range of alternatives in the Draft EIS for implementing phase one of the Strategy to reduce sea turtle bycatch and mortality in trawl fisheries along the Atlantic Coast. In addition to evaluating the status quo, NMFS will evaluate a range of alternatives including which Atlantic trawl fisheries will be regulated, the temporal and spatial aspects of the regulation and the potential changes to the operation of Atlantic trawl fisheries. These alternatives could include time and area closures, requiring the use of TEDs in the summer flounder, whelk, croaker and weakfish flynet and calico scallop trawls for the entire Atlantic Coast, as well as combination of spatial and temporal options. In terms of spatial options, sea turtles in U.S. waters range as far North as Georges Bank and the Gulf of Maine, but may be less likely to interact with a fishery towards the northern extent of this range. NMFS will likely evaluate several alternatives related to the northern/northeastern extent of any required gear modification or other regulation. Similarly, several alternatives will likely be evaluated for the temporal extent of when a regulation would be in effect, as sea turtles migrate north along the Atlantic coast as waters warm each year, and are only present in more northern areas during the warmer months. The public scoping document, the powerpoint presentation and the Notice of Intent can be found at <http://www.nmfs.noaa.gov/pr/species/turtles/strategy.htm>. The public comment period is now extended 30 days and will close on August 10, 2009.

Dated: June 24, 2009.

**James H. Lecky,**

*Office Director, Office of Protected Resources,  
National Marine Fisheries Service.*

[FR Doc. E9-15552 Filed 6-30-09; 8:45 am]

BILLING CODE 3510-22-S

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XP85

#### Incidental Taking of Marine Mammals; Taking of Marine Mammals Incidental to the Explosive Removal of Offshore Structures in the Gulf of Mexico

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

**ACTION:** Notice; issuance of letters of authorization.

**SUMMARY:** In accordance with the Marine Mammal Protection Act (MMPA) and implementing regulations, notification is hereby given that NMFS has issued one-year Letters of Authorization (LOA) to take marine mammals incidental to the explosive removal of offshore oil and gas structures (EROS) in the Gulf of Mexico.

**DATES:** These authorizations are effective from July 1, 2009 through June 30, 2010.

**ADDRESSES:** The application and LOAs are available for review by writing to P. Michael Payne, Chief, Permits, Conservation, and Education Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910-3235 or by telephoning the contact listed here (see **FOR FURTHER INFORMATION CONTACT**), or online at: <http://www.nmfs.noaa.gov/pr/permits/incidental.htm>. Documents submitted in this notice may be viewed, by appointment, during regular business hours, at the aforementioned address.

**FOR FURTHER INFORMATION CONTACT:** Howard Goldstein or Ken Hollingshead, Office of Protected Resources, NMFS, 301-713-2289.

**SUPPLEMENTARY INFORMATION:** Section 101(a)(5)(A) of the MMPA (16 U.S.C. 1361 *et seq.*) directs the NMFS to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by United States citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region, if certain findings are made by NMFS and regulations are issued. Under the

MMPA, the term “taking” means to harass, hunt, capture, or kill or to attempt to harass, hunt capture, or kill marine mammals.

Authorization for incidental taking, in the form of annual LOAs, may be granted by NMFS for periods up to five years if NMFS finds, after notification and opportunity for public comment, that the taking will have a negligible impact on the species or stock(s) of marine mammals, and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant). In addition, NMFS must prescribe regulations that include permissible methods of taking and other means effecting the least practicable adverse impact on the species and its habitat (i.e., mitigation), and on the availability of the species for subsistence uses, paying particular attention to rookeries, mating rounds, and areas of similar significance. The regulations also must include requirements pertaining to the monitoring and reporting of such taking. Regulations governing the taking incidental to EROS were published on June 19, 2008 (73 FR 34889), and remain in effect through July 19, 2013. For detailed information on this action, please refer to that **Federal Register** notice. The species that applicants may take in small numbers during EROS activities are bottlenose dolphins (*Tursiops truncatus*), Atlantic spotted dolphins (*Stenella frontalis*), pantropical spotted dolphins (*Stenella attenuata*), Clymene dolphins (*Stenella clymene*), striped dolphins (*Stenella coeruleoalba*), spinner dolphins (*Stenella longirostris*), rough-toothed dolphins (*Steno bredanensis*), Risso's dolphins (*Grampus griseus*), melon-headed whales (*Peponocephala electra*), short-finned pilot whales (*Globicephala macrorhynchus*), and sperm whales (*Physeter macrocephalus*).

Pursuant to these regulations, NMFS has issued an LOA to St. Mary Land & Exploration Company and Apache Corporation. Issuance of these LOAs is based on a finding made in the preamble to the final rule that the total taking by these activities (with monitoring, mitigation, and reporting measures) will result in no more than a negligible impact on the affected species or stock(s) of marine mammals and will not have an unmitigable adverse impact on subsistence uses. NMFS also finds that the applicants will meet the requirements contained in the implementing regulations and LOA, including monitoring, mitigation, and reporting requirements.

Dated: June 25, 2009.

**James H. Lecky,**

*Director, Office of Protected Resources,  
National Marine Fisheries Service.*

[FR Doc. E9-15551 Filed 6-30-09; 8:45 am]

BILLING CODE 3510-22-S

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Initiation of Five-year (“Sunset”) Review

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

**SUMMARY:** In accordance with section 751(c) of the Tariff Act of 1930, as amended (“the Act”), the Department of Commerce (“the Department”) is automatically initiating a five-year review (“Sunset Review”) of the antidumping duty orders listed below. The International Trade Commission (“the Commission”) is publishing concurrently with this notice its notice of *Institution of Five-year Review* which covers the same orders.

**EFFECTIVE DATE:** July 1, 2009.

**FOR FURTHER INFORMATION CONTACT:** The Department official identified in the Initiation of Review section below at AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW, Washington, DC 20230. For information from the Commission contact Mary Messer, Office of Investigations, U.S. International Trade Commission at (202) 205-3193.

#### SUPPLEMENTARY INFORMATION:

##### Background

The Department's procedures for the conduct of Sunset Reviews are set forth in its *Procedures for Conducting Five-year (“Sunset”) Reviews of Antidumping and Countervailing Duty Orders*, 63 FR 13516 (March 20, 1998) and 70 FR 62061 (October 28, 2005). Guidance on methodological or analytical issues relevant to the Department's conduct of Sunset Reviews is set forth in the Department's Policy Bulletin 98.3 - *Policies Regarding the Conduct of Five-year (“Sunset”) Reviews of Antidumping and Countervailing Duty Orders: Policy Bulletin*, 63 FR 18871 (April 16, 1998).

##### Initiation of Review

In accordance with 19 CFR 351.218(c), we are initiating the Sunset Review of the following antidumping duty orders: