

Fifth, that this Order shall be served on the Denied Person and on BIS, and shall be published in the **Federal Register**.

This Order, which constitutes the final agency action in this matter, is effective upon publication in the **Federal Register**.

Dated: April 17, 2009.

Daniel O. Hill,

Acting Under Secretary of Commerce for Industry and Security.

Certificate of Service

I hereby certify that on April __, 2009, I caused the foregoing Response of BIS to the ALJ's Recommended Decision and Order and Final Decision and Order to be sent by Federal Express to: Tariq Ahmed, 612 Business Centre, Mumtaz Hasan Road, Off I.I. Chundrigar Road, Karachi, Pakistan.

Sandra Lambright,
Senior Paralegal Specialist.

[FR Doc. E9-9400 Filed 4-23-09; 8:45 am]

BILLING CODE 3510-DT-M

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Notice of Availability of a Final Finding of No Significant Impact (FONSI) for the Public Safety Interoperable Communications (PSIC) Grant Program

AGENCY: National Telecommunications and Information Administration, U.S. Department of Commerce.

ACTION: Notice.

SUMMARY: The National Telecommunications and Information Administration (NTIA) publishes this notice of availability of a Final Finding of No Significant Impact (FONSI). The Final FONSI was written to evaluate the environmental impact of the Public Safety Interoperable Communications (PSIC) Grant Program.

DATES: The effective date of the Final FONSI is April 24, 2009.

ADDRESSES: The Final FONSI is available online at <http://www.regulations.gov> and also will be available on NTIA's website at <http://www.ntia.doc.gov/psic>.

FOR FURTHER INFORMATION CONTACT: Written requests for a hard copy of the Final FONSI should be submitted to: Ms. Laura Pettus, National Telecommunications and Information Administration, 1401 Constitution Avenue, N.W., Room 4812, Washington, DC 20230.

SUPPLEMENTARY INFORMATION: The Digital Television Transition and Public Safety Act of 2005 (the Act) directed NTIA, in consultation with the Department of Homeland Security (DHS), to establish and administer a grant program to assist public safety agencies in the advancement of interoperable communications.¹ The Act authorized NTIA to make payments not to exceed \$1 billion, in the aggregate, through fiscal year 2010 to carry out the PSIC program. The grant program assisted public safety agencies in the acquisition of, deployment of, or training for the use of interoperable communications systems that can utilize reallocated public safety spectrum in the 700 MHz band for radio communication.²

On September 30, 2007, the PSIC Grant Program awarded \$968,385,000 to fund interoperable communications projects for 56 States and Territories.³ These awards represent the largest single infusion of Federal funding ever provided for State, Territory, and local agencies to implement interoperable communications solutions for public safety.

On February 19, 2009, NTIA published a Notice of Availability of a Final Programmatic Environmental Assessment (PEA) and Draft FONSI for the PSIC Grant Program.⁴ The comment period closed on March 23, 2009. NTIA received three (3) comments. These comments were from the Association of Public-Safety Communications Officials (APCO), the National Public Safety Telecommunications Council (NPSTC), and the Federal Communications Commissions (FCC). The APCO and NPSTC commenters suggested that NTIA's chosen environmental procedures would be overly burdensome and that NTIA should use the FCC's environmental evaluation process. NTIA notes that the National Environmental Policy Act of 1969 (NEPA) would not permit this approach

¹ The Digital Television Transition and Public Safety Act of 2005 § 3006, 47 U.S.C. § 309 note (2008), Pub. L. No. 109-171, 120 Stat. 25. The PSIC grant program requirements were subsequently amended by the Implementing Recommendations of the 9/11 Commission Act of 2007 § 2201, 47 U.S.C. § 309 note (2008), Pub. L. No. 110-53, 121 Stat. 276.

² For additional information regarding the PSIC Grant Program, see, Public Safety Interoperable Communications Grant Program, Improving Interoperable Communications Nationwide: Overview of Initial State and Territory Investments, [http://www.ntia.doc.gov/psic/PSIC%20Investment%20Data%20Analysis%20\(report%20only\).pdf](http://www.ntia.doc.gov/psic/PSIC%20Investment%20Data%20Analysis%20(report%20only).pdf).

³ Section 4 of the Call Home Act of 2006, 47 U.S.C. § 309 note (2008), Pub. L. No. 109-459, 120 Stat. 3399, mandated that all PSIC funds be awarded by September 30, 2007.

⁴ 74 Fed. Reg. 7663 (2009).

under these circumstances, and thus, did not amend the draft FONSI in response. NTIA did clarify in the final FONSI that the Tower Construction Notification System should only be used for projects involving communication of towers and is not suitable for use for other types of PSIC-funded projects.

NTIA prepared the Final FONSI in accordance with the requirements of NEPA and the Council on Environmental Quality (CEQ) regulations for implementing NEPA.⁵ The Final FONSI may be reviewed at <http://www.regulations.gov> or on NTIA's website as noted above. In addition, copies may be obtained by writing to Ms. Laura Pettus as provided above.

Dated: April 20, 2009.

Kathy D. Smith,

Chief Counsel, National Telecommunications and Information Administration.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XO31

Marine Mammals; File No. 13614

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

ACTION: Notice; issuance of permit.

SUMMARY: Notice is hereby given that Sea World, Inc., 9205 South Park Center Loop, Suite 400, Orlando, FL 32819 [Brad Andrews, Responsible Party] has been issued a permit to import one pilot whale (*Globicephala melas*) for public display.

ADDRESSES: The permit and related documents are available for review upon written request or by appointment in the following office(s): Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713-2289; fax (301)427-2521; and Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213; phone (562)980-4001; fax (562)980-4018.

FOR FURTHER INFORMATION CONTACT: Jennifer Skidmore or Kristy Beard, (301)713-2289.

⁵ National Environmental Policy Act of 1969, 42 U.S.C. § 4321 (2008); Council on Environmental Quality for Implementing the Procedural Provisions of NEPA, 40 C.F.R. parts 1500-1508 (2008).