

16 U.S.C. 1853(a)(15) and 50 CFR 600.310(j)(2)(i).

In October 2009, Hayes *et al.* (2009) published in the North American Journal of Fisheries Management a stock assessment of the Atlantic population of scalloped hammerhead sharks in U.S. waters. Based on this paper, in 2005, the population was estimated to be at 45 percent of the biomass that would produce the maximum sustainable yield (MSY), and fishing mortality was estimated to be 129 percent of fishing mortality associated with MSY. The stock is estimated to be depleted by approximately 83 percent of virgin stock size (*i.e.*, the current population is only 17 percent of the virgin stock size). In addition, it was estimated that a total allowable catch (TAC) of 2,853 scalloped hammerhead sharks per year (or 69 percent of 2005 catch) would allow a 70 percent probability of rebuilding within 10 years. NMFS has reviewed this paper and concluded that: the assessment is complete; the assessment is an improvement over a 2008 aggregated species assessment for hammerhead sharks; and the assessment is appropriate for U.S. management decisions.

Based on the results of this paper, NMFS is making the determination that scalloped hammerhead sharks are overfished and experiencing overfishing. Pending the results of the ongoing sandbar, dusky, and blacknose shark stock assessments, NMFS will publish a Notice of Intent regarding the development of a fishery management plan amendment and implementing regulations to end overfishing and rebuild the scalloped hammerhead shark stock within two years as mandated under the Magnuson-Stevens Fishery Conservation and Management Act. In addition, for fisheries experiencing overfishing, NMFS must propose and adopt effective ACLs and AMs to end overfishing.

Dated: April 25, 2011.

**Margo Schulze-Haugen,**

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

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## DEPARTMENT OF COMMERCE

### National Telecommunications and Information Administration

[Docket No. 110418247-1247-01]

#### Low-Power Television and Translator Upgrade Program: Notice of Final Closing Date

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

**ACTION:** Notice of final closing date for receipt of applications and change in census database.

**SUMMARY:** The National Telecommunications and Information Administration (NTIA) announces that the final Closing Date for receipt of applications for the Low-Power Television and Translator Upgrade Program (Upgrade Program) will be Monday, July 2, 2012. NTIA also announces that it will use population data from the newly available 2010 U.S. Census for applications received after July 1, 2011 in determining whether a facility meets the rurality eligibility requirement of the Upgrade Program. Applications submitted up to and including July 1, 2011, can continue to use the population reported in the 2000 Census. All other requirements for the Upgrade Program remain unchanged as set forth in the Notice of Availability of Funds and Program Guidelines (Upgrade Program NOFA), 74 FR 22402 (May 12, 2009), available at <http://www.ntia.doc.gov/lptv/LP-Upgrade-NOFA-FRMay-1209.pdf>.

**DATES:** NTIA will continue to process applications received by the first business day of each month as long as funds are available (Closing Dates), but the last Closing Date will be July 2, 2012. Applicants must ensure that the carrier they use guarantees delivery of the application by 5 p.m., Eastern Time on the Closing Dates. Applications received after any of the monthly Closing Dates will be held until the next grant round. Applicants should note that all material sent via the U.S. Postal Service (including "Overnight" or "Express Mail") is subject to delivery delays of up to two weeks due to mail security procedures at the Department of Commerce. 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 submit completed applications or send any other correspondence, write to the Upgrade Program at the following address: NTIA/Upgrade Program, Room H-4812, U.S. Department of Commerce, 1401 Constitution Avenue, NW., Washington, DC 20230. Application materials may be obtained electronically via the Internet at <http://www.ntia.doc.gov/lptv>. Applications submitted by facsimile will not be accepted. The Upgrade Program application is not available for submission through the Grants.gov Web site.

#### FOR FURTHER INFORMATION CONTACT:

William Cooperman, Upgrade Program Director, Public Broadcasting Division, NTIA Office of Telecommunications and Information Applications, telephone: (202) 482-5802; fax: (202) 482-2156; e-mail: [wcooperman@ntia.doc.gov](mailto:wcooperman@ntia.doc.gov). Information about the Upgrade Program can also be obtained electronically via the Internet at <http://www.ntia.doc.gov/lptv>.

**SUPPLEMENTARY INFORMATION:** On May 12, 2009, NTIA published the Upgrade Program NOFA, which established a procedure through which NTIA would process applications received by the first business day of each month as long as funds were available.

Although the Federal Communications Commission has not established a deadline for the conversion of analog low-power television facilities to digital broadcasting,<sup>1</sup> pursuant to Section 3009 of the Digital Television Transition and Public Safety Act of 2005 (the Act), NTIA's authority to make payments for the Upgrade Program expires on September 30, 2012.<sup>2</sup> Since NTIA must complete payments to Upgrade Program grant recipients by the end of September 2012, NTIA is providing potential applicants with approximately fourteen months advance notice of the final Closing Date.

As of April 2011, NTIA has approximately \$32 million available for award as reimbursement grants in the

<sup>1</sup> See Further Notice of Proposed Rulemaking and Memorandum Opinion and Order In the Matter of Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television, Television Translator, and Television Booster Stations and to Amend Rules for Digital Class A Television Stations, MB Docket 103-185, FCC 10-172, 25 F.C.C. Rcd. 13833 (rel. Sept. 17, 2010).

<sup>2</sup> The Digital Television Transition and Public Safety Act of 2005 is Title III of the Deficit Reduction Act of 2005, Public Law 109-171, 120 Stat. 4, 21 (Feb. 8, 2006). Section 2(b) of the DTV Transition Assistance Act, Pub L. 110-295, 122 Stat. 2872 (July 30, 2008), amended section 3009 to clarify the period during which NTIA could make awards for the Upgrade Program.

Upgrade Program account. NTIA will process applications received by the first business day of each month and will provide information monthly on the Upgrade Program Internet site regarding the amount of remaining funds available. In order to ensure that NTIA and the Grants Office complete processing of applications and issuing awards by September 30, 2012, NTIA must receive final Upgrade Program applications no later than 5 p.m., Eastern Time, July 2, 2012.

If NTIA or the Grants Office determines that an application submitted for the July 2, 2012, last Closing Date requires additional information, the applicant must provide the requested information within ten business days or NTIA will discontinue processing the application.

NTIA also announces that it will use population data from the newly available 2010 U.S. Census for applications received after July 1, 2011, in determining whether an application meets the statutory requirement to "upgrade low-power television stations from analog to digital *in eligible rural communities*."<sup>3</sup> Applications submitted up to and including July 1, 2011, can continue to use the population reported in the 2000 Census to determine station eligibility.

After July 1, 2011, population figures from the 2000 Census will continue to be available on the Upgrade Program Web site, <http://www.ntia.doc.gov/lptv/Application/>, and may be used as a *preliminary* guide to determine eligibility. Almost all stations showing an NTIA-calculated population of significantly less than 20,000 using 2000 Census data should continue to be eligible for the Upgrade Program. NTIA will provide 2010 Census population figures for any facility that requests such information. Potential applicants may e-mail a request, which must include the FCC Facility ID number, to: [ldyer@ntia.doc.gov](mailto:ldyer@ntia.doc.gov). For applications submitted after July 1, 2011, applicants may also use the other methods of determining eligibility discussed in the Upgrade Program NOFA so long as those methods rely on 2010 Census data.

Upgrade Program staff remain available to assist potential applicants in complying with program requirements. All Upgrade Program instructions and forms remain available on the NTIA Internet site at <http://www.ntia.doc.gov/lptv>.

<sup>3</sup> The Act at § 3009 (emphasis added). NTIA's interpretation and implementation of this requirement is discussed at length in the Upgrade Program NOFA.

Dated: April 25, 2011.

**Bernadette McGuire-Rivera,**

*Associate Administrator, Office of Telecommunications and Information Applications.*

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**BILLING CODE 3510-60-P**

## DEPARTMENT OF COMMERCE

### National Telecommunications and Information Administration

#### Commerce Spectrum Management Advisory Committee Meeting

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

**ACTION:** Notice of open meeting.

**SUMMARY:** This notice announces a public meeting of the Commerce Spectrum Management Advisory Committee (Committee). The Committee provides advice to the Assistant Secretary of Commerce for Communications and Information on spectrum management policy matters.

**DATES:** The meeting will be held on May 25, 2011, from 9 a.m. to 12 p.m., Eastern Daylight Standard Time.

**ADDRESSES:** The meeting will be held at the U.S. Department of Commerce, 1401 Constitution Avenue, NW., Room 6029, Washington, DC 20230. Public comments may be mailed to Commerce Spectrum Management Advisory Committee, National Telecommunications and Information Administration, 1401 Constitution Avenue, NW., Room 4725, Washington, DC 20230, or e-mailed to [spectrumadvisory@ntia.doc.gov](mailto:spectrumadvisory@ntia.doc.gov).

**FOR FURTHER INFORMATION CONTACT:** Bruce M. Washington, Designated Federal Officer, at (202) 482-6415, or [BWashington@ntia.doc.gov](mailto:BWashington@ntia.doc.gov); and/or visit NTIA's Web site at <http://www.ntia.doc.gov/advisory/spectrum>.

**SUPPLEMENTARY INFORMATION:**

*Background:* The Committee provides advice to the Assistant Secretary of Commerce for Communications and Information on needed reforms to domestic spectrum policies and management in order to: License radio frequencies in a way that maximizes their public benefits; keep wireless networks open to innovation as possible; and make wireless services available to all Americans (see charter at [http://www.ntia.doc.gov/advisory/spectrum/csmac\\_charter.html](http://www.ntia.doc.gov/advisory/spectrum/csmac_charter.html)). This Committee is subject to the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2, and is consistent with the National Telecommunications and

Information Administration Act, 47 U.S.C. 904(b). The Committee functions solely as an advisory body in compliance with the FACA. For more information about the Committee visit: <http://www.ntia.doc.gov/advisory/spectrum>.

*Matters To Be Considered:* The Committee will discuss its work plan for the next two-year period including advice regarding accomplishment of the President's ten-year goal to identify 500 megahertz for wireless broadband. NTIA will post a detailed agenda on its Web site, <http://www.ntia.doc.gov>, prior to the meeting. There also will be an opportunity for public comment at the meeting.

*Time and Date:* The meeting will be held on May 25, 2011 from 9 a.m. to 12 p.m., Eastern Daylight Time. The times and the agenda topics are subject to change. The meeting may be webcast or made available via audio link. Please refer to NTIA's Web site, <http://www.ntia.doc.gov>, for the most up-to-date meeting agenda and access information.

*Place:* The meeting will be held at the U.S. Department of Commerce, National Telecommunications and Information Administration, 1401 Constitution Avenue, NW., Room 6029, Washington, DC 20230. The meeting will be open to the public and press on a first-come, first-served basis. Space is limited. The public meeting is physically accessible to people with disabilities. Individuals requiring accommodations, such as sign language interpretation or other ancillary aids, are asked to notify Mr. Washington, at (202) 482-6415 or [BWashington@ntia.doc.gov](mailto:BWashington@ntia.doc.gov), at least five (5) business days before the meeting.

*Status:* Interested parties are invited to attend and to submit written comments to the Committee at any time before or after the meeting. Parties wishing to submit written comments for consideration by the Committee in advance of this meeting must send them to NTIA's Washington, DC office at the above-listed address and must be received by close of business on May 18, 2011, to provide sufficient time for review. Comments received after May 18, 2011, will be distributed to the Committee, but may not be reviewed prior to the meeting. It would be helpful if paper submissions also include a compact disc (CD) in HTML, ASCII, Word or WordPerfect format (please specify version). CDs should be labeled with the name and organizational affiliation of the filer, and the name of the word processing program used to create the document. Alternatively, comments may be submitted electronically to