

open-water marine survey program (site clearance and shallow hazards and strudel scour surveys) in the Chukchi Sea during the 2009/2010 open-water season may result, at worst, in a temporary modification in behavior (Level B Harassment) of small numbers of 12 species of marine mammals, will have no more than a negligible impact on the affected species or stocks, and will not have an unmitigable adverse impact on the availability of such species or stock for taking for subsistence purposes, provided the mitigation measures described previously in this document are implemented.

While the number of potential incidental harassment takes will depend on the distribution and abundance of marine mammals (which vary annually due to variable ice conditions and other factors) in the area of survey operations, the number of potential harassment takings is estimated to be small (less than one percent of any of the estimated population sizes) and has been mitigated to the lowest level practicable through incorporation of the measures mentioned previously in this document. NMFS anticipates the actual take of individuals to be lower than the numbers presented in the analysis because those numbers do not reflect either the implementation of the proposed mitigation measures or the fact that some animals will avoid the sound at levels lower than those expected to result in harassment.

In addition, no take by death and/or serious injury is anticipated, and the potential for temporary or permanent hearing impairment will be avoided through the incorporation of the mitigation and monitoring measures proposed earlier in this document. This determination is supported by the fact that: (1) given sufficient notice through slow ship speed and ramp-up of acoustic equipment, marine mammals are expected to move away from a sound source prior to it becoming potentially injurious; (2) TTS is unlikely to occur, especially in odontocetes and pinnipeds, until sound levels above 180 dB re 1  $\mu$ Pa (rms) and 190 dB re 1  $\mu$ Pa (rms), respectively, are reached; and (3) injurious levels of sound are only likely very close to the vessel (approximately 160 m (525 ft) for the 180 dB (rms) radius and 50 m (164 ft) for the 190 dB (rms) radius). No rookeries, mating grounds, areas of concentrated feeding, or other areas of special significance for marine mammals occur within or near the planned area of operations during the season of operations.

NMFS has preliminarily determined that Shell's proposed open-water marine

survey program in the Chukchi Sea in 2009/2010 will not have an unmitigable adverse impact on the subsistence uses of bowhead whales and other marine mammals. This preliminary determination is supported by the information in this **Federal Register** Notice, including: (1) Survey activities will not begin prior to the closure of the spring bowhead hunt in Chukchi coastal villages; (2) Shell will closely coordinate with and avoid impacts to beluga whale hunts through subsistence advisors; (3) activities are scheduled to avoid the traditional subsistence beluga hunt, which annually occurs in July in the community of Point Lay; (4) Barrow is east of the proposed project area, so the animals will reach Barrow before entering the project area on their fall westward migration through the Beaufort and Chukchi Seas; (5) the fact that survey activities will occur more than 113 km (70 mi) or more from shore, and most cetaceans and pinnipeds are hunted much closer to the shore; and (6) that several of the mitigation and monitoring conditions proposed for the IHA (described earlier in this document) are designed to ensure that there will not be an unmitigable adverse impact on subsistence uses of marine mammals.

#### **Proposed Authorization**

As a result of these preliminary determinations, NMFS proposes to authorize the take of marine mammals incidental to Shell's 2009/2010 open-water marine survey program in the Chukchi Sea, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated.

Dated: May 26, 2009.

**James H. Lecky,**

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

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## **DEPARTMENT OF DEFENSE**

### **GENERAL SERVICES ADMINISTRATION**

### **NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

[OMB Control No. 9000-0097]

#### **Federal Acquisition Regulation; Submission for OMB Review; Taxpayer Identification Number Information**

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

**ACTION:** Notice of reinstatement request for an information collection requirement regarding an existing OMB clearance.

**SUMMARY:** Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR), Regulatory Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve a request to reinstate a previously approved information collection requirement concerning Taxpayer Identification Number Information. A request for public comments was published at 73 FR 20613 on April 16, 2008. No comments were received.

Public comments are particularly invited on: Whether this collection of information is necessary; 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:** Submit comments on or before July 1, 2009.

**ADDRESSES:** Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: General Services Administration (GSA) Desk Officer, OMB, Room 10236, NEOB, Washington, DC 20503, and a copy to the General Services Administration, Regulatory Secretariat (VPR), 1800 F Street NW., Room 4041, Washington, DC 20405. Please cite OMB Control No. 9000-0097, Taxpayer Identification Number Information, in all correspondence.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ernest Woodson, Procurement Analyst, Contract Policy Division, GSA, (202) 501-3775.

#### **SUPPLEMENTARY INFORMATION:**

##### **A. Purpose**

When the IRS issued its final regulations implementing section 6050M of the Tax Reform Act of 1986 (Pub. L. 99-514), the reporting requirements included the requirement to report certain modifications to contracts that were awarded before January 1, 1989, necessitating a revision to Subpart 4.9 of the FAR. As implemented by Section 6050M of the

Tax Reform Act of 1986 (Pub. L. 99-514), the reporting requirements included the requirement to report certain modifications to contracts that were awarded before January 1, 1989 and entered into on or after April 1, 1990.

In accordance with 31 U.S.C. 7701(c), a contractor doing business with a Government agency is required to furnish its Tax Identification Number (TIN) to that agency. 31 U.S.C. 3325(d) requires the Government to include, with each certified voucher prepared by the Government payment office and submitted to a disbursing official, the TIN of the contractor receiving payment under the voucher. The TIN may be used by the Government to collect and report on any delinquent amounts arising out of the contractor's relationship with the Government. The TIN is also required for Government reporting of certain contract information and payment information to the IRS.

#### B. Annual Reporting Burden

*Respondents:* 250,000.

*Responses per Respondent:* 2.

*Total Responses:* 500,000.

*Hours per Response:* .39.

*Total Burden Hours:* 195,000.

*Obtaining Copies of Proposals:*

Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat (VPR), 1800 F Street NW., Room 4041, Washington, DC 20405, telephone (202) 501-4755. Please cite OMB Control No. 9000-0097, Taxpayer Identification Number Information, in all correspondence.

Dated: May 22, 2009.

**Edward Loeb,**

*Acting Director, Office of Acquisition Policy.*  
[FR Doc. E9-12585 Filed 5-29-09; 8:45 am]

**BILLING CODE 6820-EP-P**

## FEDERAL COMMUNICATIONS COMMISSION

[MB Docket No. 08-187; FCC 09-43]

### Impact of Arbitron Audience Ratings Measurements on Radio Broadcasters

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** This document seeks comment on issues relating to the commercial use of a radio audience measurement device, developed by Arbitron, Inc., known as the portable people meter ("PPM"). It asks about the effects of the PPM methodology on competition and diversity, whether it is

sufficiently accurate and reliable to merit the Commission's continued reliance on it, and the Commission's jurisdiction to take action in this area should it find an adverse effect in any of these areas.

**DATES:** Comments are due July 1, 2009 and reply comments are due July 31, 2009.

#### FOR FURTHER INFORMATION CONTACT:

Mania Baghdadi, Industry Analysis Division, Media Bureau, at (202) 418-2133, or Julie Salovaara, Industry Analysis Division, Media Bureau, at (202) 418-0783. Press inquiries should be directed to David Fiske at (202) 418-0513.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Federal Communications Commission's Notice of Inquiry (the "NOI") in MB Docket No. 08-187; FCC 09-43, adopted May 15, 2009, and released May 18, 2009. The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference Center, Federal Communications Commission, 445 12th Street, SW., CY-A257, Washington, DC 20554. These documents will also be available via ECFS (<http://www.fcc.gov/cgb/ecfs>). The complete text may be purchased from the Commission's copy contractor, 445 12th Street, SW., Room CY-B402, Washington, DC 20554. To request this document in accessible formats (computer diskettes, large print, audio recording and Braille), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the FCC's Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

#### Summary of the Notice of Inquiry

**1. Introduction:** In this Notice of Inquiry ("NOI"), we seek comment on issues relating to the commercial use of a radio audience measurement device, developed by Arbitron, Inc. ("Arbitron"), known as the portable people meter, or "PPM." Broadcasters, media organizations, and others have raised concerns about the use of the PPM and its potential impact on audience ratings of stations that air programming targeted to minority audiences, and consequently, on the financial viability of those stations. They claim that the current PPM methodology undercounts and misrepresents the number and loyalty of minority radio listeners. They assert that, because audience ratings affect advertising revenues, undercounting minority audiences could negatively affect the ability of these stations to compete for advertising revenues and to continue to offer local service to

minority audiences. They express concern that such undercounting could particularly affect the ratings of local, urban-formatted radio stations that broadcast programming of interest to African-American and Hispanic audiences. This NOI investigates the impact of PPM methodology on the broadcast industry as well as whether the audience ratings data is sufficiently accurate and reliable to merit the Commission's own reliance on it in its rules, policies and procedures. According to its proponents, the PPM methodology represents a technological improvement in measuring radio listening. We have a strong interest in encouraging innovative advancements that lead to improved information and data. We seek information on whether and how the PPM technological changes adversely affect diversity on the airwaves as well as the integrity and reliability of the Commission's processes that rely on Arbitron ratings data. If there is an adverse impact, we seek comment on further steps the Commission can and should take to address these issues.

2. Sections 4(i) and 403 of the Communications Act of 1934, as amended (the "Act") gives the Commission broad authority to initiate inquiries such as this one. The Commission's authority to initiate investigations under Section 403 is not limited to adversarial proceedings involving allegations of wrongdoing. Section 403 broadly authorizes, inter alia, inquiries "concerning which any question may arise under any of the provisions of this Act." 47 U.S.C. 403. We have frequently issued Notices of Inquiry under Section 403 in non-adversarial settings to seek information and comment to determine whether we should take further regulatory action.

3. Requests that the Commission institute an inquiry have been made in several contexts. The FCC's Advisory Committee on Diversity for Communications in the Digital Age ("Diversity Committee") has passed a resolution requesting a Commission investigation of Arbitron's PPM measurement system to determine whether the system is having or will have a detrimental and discriminatory effect upon stations targeting minority audiences. Noting that Arbitron is the only company that currently provides quantitative audience data for radio stations, the Committee states that the financial success of a radio broadcast station often depends upon demonstrating to potential advertisers that the station has a substantial audience of desirable consumers. According to the Diversity Committee,