

applicants to participate in the BIP and BTOP programs because of the risk that their applications may be disqualified from funding on the basis of information submitted by existing broadband service providers that they have no means to substantiate or rebut. How should the public notice process be refined to address this concern? What alternative verification methods could be established that would be fair to the applicant and the entity questioning the applicant's service area? Should the public notice process be superseded where data becomes available through the State Broadband Data and Development Grant Program that may be used to verify unserved and underserved areas? What type of information should be collected from the entity questioning the service area and what should be publicly disclosed?

#### *D. Interconnection and Nondiscrimination Requirements.*

Section V.C.2.c of the NOFA establishes the nondiscrimination and interconnection requirements.<sup>12</sup> These requirements generated a substantial amount of debate among applicants and other stakeholders. Although RUS and NTIA are not inclined to make significant changes to the interconnection and nondiscrimination requirements, are any minor adjustments to these requirements necessary? In particular, should they continue to be applied to all types of infrastructure projects regardless of the nature of the entity? Should the scope of the reasonable network management and managed services exceptions be modified, and if so, in what way? Is it necessary to clarify the term "interconnection" or the extent of the interconnection obligation?

#### *E. Sale of Project Assets.*

Section IX.C.2 of the NOFA generally prohibits the sale or lease of award-funded broadband facilities, unless the sale or lease meets certain conditions.<sup>13</sup> Specifically, the agencies may approve a sale or lease if it is for adequate consideration, the purchaser agrees to fulfill the terms and conditions relating to the project, and either the applicant includes the proposed sale or lease in its application as part of its original request for grant funds or the agencies waive this provision for any sale or lease occurring after the tenth year from the date the grant, loan, or loan/grant award is issued. Some stakeholders have suggested that this rule is overly restrictive and is a barrier to

participation in BIP and BTOP. Should this section be revised to adopt a more flexible approach toward awardee mergers, consistent with USDA and DOC regulations, while still ensuring that awardees are not receiving unjust enrichment from the sale of award-funded assets for profit?<sup>14</sup>

#### *F. Cost Effectiveness.*

How should NTIA and RUS assess the cost effectiveness or cost reasonableness of a particular project? For example, in the context of infrastructure projects, how should we consider whether the costs of deploying broadband facilities are excessive? In BTOP, one of the Project Benefits that NTIA considers is "cost effectiveness," when scoring an application. This is measured based on the ratio of the total cost of the project to households passed. However, such costs will necessarily vary based on the particular circumstances of a proposed project. For example, extremely rural companies typically have much higher construction costs than more densely populated ones. Also, geographic areas that experience extreme weather or are characterized by difficult terrain will dictate higher per household costs. Similarly, the technology that is chosen to provide the service (e.g., fiber vs. wireless) would influence the costs. And finally, smaller companies as measured by subscriber count would necessarily have a higher cost per subscriber than larger companies. How should the agencies take these various factors into consideration when evaluating broadband infrastructure projects? What evidence should we require from applicants to ensure that unnecessary costs have not been added to the project?

#### *G. Other.*

What other substantive changes to the NOFA should RUS and NTIA consider that would encourage applicant participation, enhance the programs, and satisfy the goals of the Recovery Act?

### **III. Status**

Interested parties are invited to submit written comments. Written comments that exceed five pages should include a one-page executive summary. Submissions containing ten (10) or more pages of text must include a table of contents and an executive summary. Interested parties are encouraged to file comments electronically via e-mail to [broadbandrfi@ntia.doc.gov](mailto:broadbandrfi@ntia.doc.gov). Parties submitting documents containing ten

(10) or more pages are strongly encouraged to submit them electronically. Comments provided via e-mail may be submitted in one or more of the formats specified below. Comments must be received by November 30, 2009 at 5:00 p.m. Eastern Standard Time.

Paper comments should be sent to: Broadband Initiatives Program, Rural Utilities Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW, Stop 1599, Washington, DC 20250, and Broadband Technology Opportunities Program, National Telecommunications and Information Administration, U.S. Department of Commerce, HCHB Room 4887, 1401 Constitution Avenue, NW, Washington, DC 20230. Please 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. All written comments received will be posted at <http://www.ntia.doc.gov/broadbandgrants/commentsround2.cfm>. Paper submissions should also include a CD or DVD in HTML, ASCII, or Word format (please specify version). CDs or DVDs 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.

**Jonathan S. Adelstein,**  
*Administrator, Rural Utilities Service.*

Dated: November 9, 2009.

**Lawrence E. Strickling,**  
*Assistant Secretary for Communications and Information.*

[FR Doc. E9-27359 Filed 11-13-09; 8:45 am]

**BILLING CODE 3510-60-S**

## **DEPARTMENT OF COMMERCE**

### **Bureau of the Census**

[Docket Number 0910281384-91385-01]

#### **2009 Company Organization Survey**

**AGENCY:** Bureau of the Census, Commerce.

**ACTION:** Notice of determination.

**SUMMARY:** The Bureau of the Census is conducting the 2009 Company Organization Survey. The survey's data are needed, in part, to update the multilocation companies in the Business Register. The survey, which has been conducted annually since 1974, is designed to collect information on the number of employees, payroll, geographic location, current operational status, and kind of business for each establishment of companies with more

<sup>12</sup> *Id.* at 33110.

<sup>13</sup> *Id.* at 33123.

<sup>14</sup> See, e.g., 15 C.F.R. §§ 14.32-37; 7 C.F.R. Part 3015.

than one location. We have determined that annual data collected from this survey are needed to aid the efficient performance of essential governmental functions, and that this data have significant application to the needs of the public and industry. The data derived from this survey are not available from any other source.

**ADDRESSES:** The Census Bureau will furnish report forms to organizations included in the survey, and additional copies are available on written request to the Director, Bureau of the Census Bureau, Washington, DC 20233-0101.

**FOR FURTHER INFORMATION CONTACT:** Cynthia M. Wrenn-Yorker, U.S. Bureau of the Census, Room 8K319, Washington, DC 20233-6100 (or by e-mail at: [Cynthia.M.Wrenn-Yorker@census.gov](mailto:Cynthia.M.Wrenn-Yorker@census.gov)).

**SUPPLEMENTARY INFORMATION:** Sections 182, 195, 224, and 225 of title 13 of the United States Code (U.S.C.) authorize the Census Bureau to undertake Surveys necessary to furnish current data on the subjects covered by the major censuses. This survey will provide continuing and timely national statistical data for the period between economic censuses. The next economic censuses will be conducted for the year 2012. The data collected in this survey will be within the general scope, type, and character of those that are covered in the economic censuses. Forms NC-99001 and NC-99007 (for single-location companies) will be used to collect the desired data.

Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current, valid Office of Management and Budget (OMB) control number. In accordance with the Paperwork Reduction Act, 44 U.S.C., Chapter 35, the OMB approved Forms NC-99001 and NC-99007 on December 21, 2004 under OMB Control Number 0607-0444. We will furnish report forms to organizations included in the survey, and additional copies will be available on written request to the Director, Bureau of the Census, Washington, DC 20233-0101.

I have, therefore, directed that the 2009 Company Organization Survey be conducted for the purpose of collecting these data.

Dated: November 6, 2009.

**Robert M. Groves,**

*Director, Bureau of the Census.*

[FR Doc. E9-27398 Filed 11-13-09; 8:45 am]

**BILLING CODE 3510-07-P**

## DEPARTMENT OF COMMERCE

### Bureau of the Census

[Docket Number 0909301330-91331-01]

#### Annual Surveys in the Manufacturing Area

**AGENCY:** Bureau of the Census, Department of Commerce.

**ACTION:** Notice of determination.

**SUMMARY:** The Bureau of the Census (Census Bureau) is conducting the 2009 Annual Surveys in the Manufacturing Area. The 2009 Annual Surveys consist of the Current Industrial Report surveys, the Annual Survey of Manufactures, the Business Research & Development (R&D) and Innovation Survey, and the Manufacturers' Unfilled Orders Survey. The annual data collected from these surveys are needed to aid the efficient performance of essential governmental functions and have significant application to the needs of the public and industry. The data derived from these surveys, most of which have been conducted for many years, are not publicly available from nongovernmental or other governmental sources.

**ADDRESSES:** The Census Bureau will furnish report forms to organizations included in each survey. Additional copies of the surveys are available upon written request to the Director, U.S. Census Bureau Washington, DC 20233-0101.

**FOR FURTHER INFORMATION CONTACT:** Thomas E. Zabelsky, Chief, Manufacturing and Construction Division, at (301) 763-4598 or by e-mail at [thomas.e.zabelsky@census.gov](mailto:thomas.e.zabelsky@census.gov).

**SUPPLEMENTARY INFORMATION:** Title 13, United States Code (U.S.C.), Sections 61, 81, 131, 182, 193, 224, and 225 authorizes the Census Bureau to conduct mandatory surveys necessary to furnish current data on the subjects covered by the major censuses. These surveys provide continuing and timely national statistical data on manufacturing for the period between economic censuses. The data collected in the surveys will be within the general scope and nature of those inquiries covered in the economic census. The next economic census will be conducted for the year 2012.

#### Current Industrial Reports

Most of the following commodity or product surveys provide data on shipments or production, stocks, unfilled orders, orders booked, consumption, and similar information. Survey questionnaires will be mailed to

all, or a sample of establishments engaged in the production of the products covered by the following list of surveys:

SURVEY TITLE	
MA311D .....	Confectionery.
MA314Q .....	Carpets and Rugs.
MA321T .....	Lumber Production and Mill Stocks.
MA325F .....	Paints and Allied Products.
MA325G .....	Pharmaceutical Preparations, except Biologicals.
MA327C .....	Refractories.
MA327E .....	Consumer, Scientific, Technical, and Industrial Glassware.
MA331B .....	Steel Mill Products.
MA332Q .....	Antifriction Bearings.
MA333A .....	Farm Machinery and Lawn and Garden Equipment.
MA333D .....	Construction Machinery.
MA333F .....	Mining Machinery.
MA333M .....	Refrigeration, Air-conditioning, and Warm Air Heating Equipment.
MA333N .....	Fluid Power Products for Motion Control (Including Aerospace).
MA333P .....	Pumps and Compressors.
MA334A .....	Analytical and Biomedical Instruments.
MA334C .....	Control Instruments and Systems.
MA334D .....	Defense, Navigational and Aerospace Electronics.
MA334M .....	Consumer Electronics.
MA334Q .....	Electronics Components.
MA334T .....	Meters and Test Devices.
MA335E .....	Electric Housewares and Fans.
MA335F .....	Major Household Appliances.
MA335J .....	Insulated Wire and Cable.
MA335K .....	Wiring Devices and Supplies.
MA336G .....	Aerospace Industry (Orders, Sales and Backlog).

The Census Bureau conducts an annual counterpart for the following monthly and quarterly Current Industrial Report (CIR) surveys and the annual counterpart will cover only those establishments that are not canvassed, or do not report in the more frequent surveys. There is no duplication in reporting by establishments participating in the counterpart survey. The content of these annual counterpart surveys are identical to that of the more frequently monthly and quarterly CIR surveys listed below:

SURVEY TITLE	
M311C .....	Corn (Wet & Dry Producers of Ethanol).
M311H .....	Animal & Vegetable Fats and Oil (Warehouse Stocks).
M311J .....	Oilseeds, Beans, and Nuts (Primary Producers).
M311L .....	Fats and Oils.
M311M .....	Animal & Vegetable Fats and Oil (Consumption & Stocks).