

Sarasota, FL. An expert panel reviewed this stock structure in 2000 and recommended retaining the current stock structure until there is scientific support for changing it.

Comment 79: At least one false killer whale, Gulf of Mexico stock, was killed as a result of human interactions (the 1999 stranding) within the 1999–2003 period evaluated in the report, resulting in at least 0.2 takes/year. If that observed rate is adjusted to account for the likelihood that stranding records underestimate actual takes, the rate could exceed 10 percent of PBR (0.61). Therefore, it seems inappropriate to conclude that false killer whale takes are approaching the ZMRG.

Response: NMFS agrees that incidental mortality of this stock may be underestimated and that the conclusion may be incorrect. NMFS and the appropriate SRG jointly evaluate SARs prior to release for public review and comment and did so in this case. NMFS and the SRG will evaluate the appropriateness of the conclusion at the next meeting (currently scheduled in January 2007), and, if necessary, NMFS would alter the conclusion in the next revision of the affected SAR.

Comment 80: The reports for beaked whale stocks in the Gulf of Mexico should be revised to clarify the relationship of the various population estimates, particularly the estimate for unidentified Ziphiids. For example, it seems that the total abundance of all beaked whales would be the sum of the estimates for Cuvier's beaked whales (95), *Mesoplodon* sp. (106), and unidentified Ziphiids (146), or 347 total beaked whales. Similarly, the total abundance of Cuvier's beaked whales could be as large as the sum of the estimates for Cuvier's beaked whales. The reader can infer the relationships, but minor text edits would provide clarity.

Response: The Gulf of Mexico SARs will be modified in the 2006 SAR for consistency with the Atlantic U.S. coast SARs, to include combined estimates of undifferentiated beaked whales.

Comment 81: For pygmy Sperm whale, Northern Gulf of Mexico stock, the report should indicate whether any stranding showed evidence of human interactions.

Response: The report has been revised to include the number of strandings with evidence of human interaction.

Comments on Pacific Regional Reports *California Harbor Seal*

Comment 82: Correction factors for harbor seal haulout behavior should be standardized throughout NMFS. The

Commission also mentioned the desirability of having satellite or VHF radio tagged seal studies used to determine haulout correction factors for aerial surveys.

Response: Correction factors for California harbor seal counts were specifically developed for surveys where counts are made during the peak molt season. In other regions, harbor seal counts are made during peak pupping season, and the correction factors used for those counts reflect the specific count methodology used. The time series of California harbor seal counts reflects counts during peak molt and remain consistent with past years for the purpose of not introducing bias into the trend data. Correction factors based on VHF radio tagging are being developed by Dr. Jim Harvey at Moss Landing Marine Laboratories in California. Some of the data used in these correction factors were collected in tandem with harbor seal aerial surveys conducted by NMFS in 2004.

Comment 83: Figure 3, which shows annual net productivity and a non-significant regression on these data since 1982, should be removed.

Response: NMFS will keep the figure in the current SAR for this stock, as the data, though not significant, are still important in demonstrating how annual variability in net production can vary widely even for a well-studied stock.

Comment 84: It was not clear if the seal shootings mentioned in the draft SAR were seals that were shot at sea and drifted to shore or whether they were shot while ashore. Such shooting is evidence for the need of increased enforcement.

Response: It is difficult to determine the geographic origin of shootings in harbor seals (or other marine mammals), as carcasses are often decomposed, and it is unclear how long a carcass may have been on the beach. NMFS agrees that increased enforcement would benefit the conservation of marine mammals and other living marine resources. When additional resources are available, NMFS will expand enforcement efforts along with other aspects of marine mammal conservation.

Comment 85: Observers should be placed in the "large mesh drift gillnet fishery" that takes harbor seals.

Response: The comment actually refers to the small mesh set gillnet fishery for halibut and angel shark. NMFS agrees that having regular observer coverage in many fisheries would enhance the ability to assess the status of marine mammals (see response to Comment 9 regarding a requirements plan for protected species stock

assessment); when resources are available to support such observers, NMFS will place them in the fishery.

Comment 86: The report for Southern Resident Killer Whales should include information about the population viability analyses that were conducted to support the proposal to list the stock as threatened.

Response: The analyses are described in full in the reports of the status reviews for this stock of killer whales (one in 2002 and a second in 2004); these reports are cited in the SAR. The purpose of the SAR is to present a brief summary of the status of the stock with emphasis on abundance, trend, human-caused mortality and serious injury, and status. Each report contains an extensive list of literature cited to guide interested readers to the details supporting the text in the SAR. In this case, interested readers may read the status review for a discussion of the analyses used in assessing the "species" status under the ESA. The reports of the status reviews are available on the Internet at the following address: <http://www.nwr.noaa.gov>, under the tabs, "Marine Mammals" and "Killer Whales".

Dated: April 28, 2006.

Donna Wieting,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 033006B]

Atlantic Highly Migratory Species; Scientific Research Permit

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

ACTION: Notice; request for a scientific research permit; request for comments.

SUMMARY: NMFS announces the receipt of a request for a scientific research permit (SRP) to survey and determine abundance and distribution of pelagic sharks, inject pelagic sharks with tetracycline for age validation studies, track the survival and movement of Highly Migratory Species (HMS) with conventional and satellite pop-up tags in the Atlantic Ocean, and collect biological samples. While this research will occur in waters from the Gulf of Maine to Delaware, NMFS invites comments from interested parties on

this SRP request with regards to tagging and biological sampling of HMS (sharks, blue and white marlin, and bluefin and yellowfin tuna) in the Northeastern United States closed area.

DATES: Written comments on the application for a scientific research permit must be received by 5 p.m. on May 18, 2006.

ADDRESSES: You may submit comments by any of the following methods:

- Email: SF1.033006B@noaa.gov.

Include in the subject line the following identifier: I.D. 033006B.

- Mail: Margo Schulze-Haugen, Chief, Highly Migratory Species Management Division (F/SF1), NMFS, 1315 East-West Highway, Silver Spring, MD 20910. Please mark the outside of the envelope "Comments on SRP Application."

- Fax: (301)427-2590

FOR FURTHER INFORMATION CONTACT: Jackie Wilson, by phone: (404)806-7622; fax: (404)806-9188.

SUPPLEMENTARY INFORMATION: Scientific Research Permits are requested and issued under the authority of the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*), which regulates fishing activities of tunas, swordfish, and billfish. Regulations at 635.32 govern scientific research activity, exempted fishing, and exempted educational activity with respect to Atlantic HMS. Scientific research is exempted from regulation under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) (Magnuson-Stevens Act), which regulates fishing activities of sharks.

The Northeast Fisheries Science Center (NEFSC) in Narragansett, Rhode Island has requested a SRP to conduct a research in Federal waters between Delaware and the Gulf of Maine (38°00' N to 41°00' N), including the Northeastern U.S. closed area. Previous shark surveys have occurred in this area prior to the implementation of the Northeastern U.S. closed area. This research would include a survey and tagging study of pelagic sharks, including shortfin mako sharks, *Isurus oxyrinchus*, common and bigeye thresher sharks, *Alopias vulpinus* and *A. superciliosus*, blue sharks, *Prionace glauca*, and porbeagle sharks, *Lamna nasus*, to obtain abundance and distribution information on these species. In addition, this research would include injecting tagged sharks with tetracycline for age validation studies. Biological samples would be taken from some species of sharks, including samples for age studies, stomach samples for food and feeding information, and reproductive samples.

The data collected should support current research on thresher shark life history and blue shark and shortfin mako food habits.

The NEFSC would be conducting its research at historical survey locations. Prior research indicates that these species follow temperature gradients offshore from New Jersey and then move northward towards the Gulf of Maine. The survey would consist of a total of 20 sets over 11 days that proceed from south to north placing sets at the shelf, slope, northwall, and Gulfstream stations at 50 mile intervals coincident with oceanographic canyon stations that were sampled in earlier cruises. Approximately 10 sets will be placed within the Northeastern U.S. closed area. This research would also compare previous catch data with catch rates of these species using 9/0 (#40) Japanese tuna hooks to catch rates using 16/0 non-offset circle hooks, and catch rates and bait retention with 18/0 non-offset barbless circle hooks.

While the NEFSC would be fishing primarily for sharks, the researchers would use Southeast Fisheries Science Center tags to tag any live, incidentally caught Atlantic blue marlin, *Makaira nigricans*, and white marlin, *Tetrapturus albidus*. In addition, in collaboration with Dr. Molly Lutcavage from the University of New Hampshire, the NEFSC would deploy pop-up satellite archival tags (PSATs) on any live, incidentally caught bluefin tuna, *Thunnus thynnus*, and yellowfin tuna, *Thunnus albacares*. The timing of the survey is seasonally early in terms of billfish availability, and bycatch rates are expected to be very low since surface water temperatures will likely be too cold for billfish and sea turtles on the vast majority of the stations. While bluefin tuna may be incidentally captured if a survey station is located within a warm core ring, the number caught will probably be very low because sets are shorter in duration, the amount of gear set is about half the size of a commercial set, and it is unlikely that there would be more than two stations within rings on this cruise. If the researchers catch five bluefin tuna and/or three loggerhead or leatherback sea turtles on a given set, they will retrieve the gear and move out of the area. These oceanographic conditions have been surveyed in the past, and this sampling opportunity might allow for critical PSAT deployments prior to the inshore migrations of bluefin tuna. These deployments would provide critical data on bluefin tuna behavior during the migratory transition from offshore to inshore feeding grounds.

For each fish caught and tagged, the researchers would record species, estimated length and weight, and GPS location in addition to sea surface temperature, and any other data archived by the PSATs. These data would be used for migration studies on billfish, bluefin tuna, and yellowfin tuna. For all incidental mortalities, data would be collected, such as length, weight, samples for isotope work, otolith and aging samples, blood samples, and gonad samples. However, because the researchers would be targeting shark species, few incidental mortalities of other HMS are expected from these surveys based on previous survey results. Based on past data for the month of June and the estimated fishing effort for the 11 day cruise (20 total sets of 400 hooks per set for a total of 8,000 hooks), the researchers anticipate that they will catch 812 blue sharks, *Prionace glauca*, 32 sandbar sharks, *Carcharhinus plumbeus*, 12 shortfin mako sharks, *Isurus oxyrinchus*, nine swordfish, *Xiphias gladius*, five thresher sharks, *Alopias vulpinus*, two dusky sharks, *Carcharhinus obscurus*, one yellowfin tuna, *Thunnus albacares*, one porbeagle shark, *Lamna nasus*, one tiger shark, *Galeocerdo cuvier*, one bluefin tuna, *Thunnus thynnus*, and one hammerhead shark, *Sphyrna* spp.

The research would be conducted from May 30, 2006, through June 9, 2006, throughout the area mentioned above. Research would be conducted onboard the National Oceanographic Atmospheric Administration's (NOAA's) Fisheries Research Vessel, the Delaware II (R-445). Collection of HMS would occur with traditional Yankee pelagic longline gear consisting of a gangion of approximately 6 feet (1.83 m) of 0.125-inch (0.320 cm) diameter stainless wire leader attached to 18 feet (5.49 m) of 0.25-inch (0.640 cm) diameter braided nylon line with a stainless steel line clip at the nylon end. Approximately 133, 16/0 non-offset circle hooks would be alternated with 133, 9/0 (#40) Japanese tuna hooks, and 134, 18/0 non-offset barbless circle hooks for a total of 400 hooks per set. Hooks would be baited with mackerel. The mainline would consist of 0.31 inch diameter braided nylon or monofilament with polyform floats with five fathom droppers attached to the floats would be used at 10 hook intervals to support the longline, and each end of the longline would be marked with a both a polyform float and a 20-foot (6.10 m) staff buoy with radar reflectors, flashers (at night), and weights for stability. The soak time would vary, but would be no more than

a couple of hours to minimize incidental mortalities of non-target species.

Sea turtle handling and release equipment and instructions will be onboard the vessel at all times while engaged in this research activity. Additionally, the research team is trained and experienced in sea turtle handling and release techniques. Past research has also associated sea turtle interactions and other bycatch species with certain oceanographic features, such as warm core rings. Because the goal of this research would be to tag and collect information on the abundance and distribution of sharks, the researchers would limit their activity in these areas to reduce potential interactions with sea turtles and other non-targeted species.

Based on NMFS' initial review, NMFS believes that this research would be excluded from the requirement to prepare either an Environmental Assessment or Environmental Impact Statement pursuant to the National Environmental Policy Act because it is of limited size and magnitude and is not expected to have significant effects individually or cumulatively on the environment. As noted above, limited numbers of incidental interactions and/or mortalities are anticipated to occur while conducting this research. While scientific research is not regulated under the Magnuson-Stevens Act, NMFS would track and monitor all sources of mortalities for sharks. Any mortalities of ATCA regulated species (i.e., billfish and tuna) would be counted against the appropriate quotas, and active measures will be taken to minimize interactions and mortalities of these non-target species. Further, all fish tagged would be released alive, with minimal or no post-release mortality anticipated. However, if any HMS die during the collection and/or tagging process, age structures (otoliths), stomachs, blood samples, samples for isotope work, and reproductive tissues would be sampled.

This research may benefit fishery managers and scientists by providing additional data on the importance of the Northeastern U.S. closed area ecosystem in the management and conservation of HMS in the Atlantic Ocean.

The regulations that would prohibit the proposed activities include requirements for permits and fees (50 CFR 635.4), vessel reporting (50 CFR 635.4), size limits (50 CFR 635.20), fishing in a closed area (50 CFR 635.21(c)(i)), hook requirements (50 CFR 635.21(c)(5)(iii)(C)), retention limits for bluefin tuna (50 CFR 635.23), commercial retention limits for sharks

and swordfish (50 CFR 635.24), catch and release (50 CFR 635.26), commercial quotas (50 CFR 635.27), closures (50 CFR 635.28), possession at sea and landing (50 CFR 635.30), and VMS (50 CFR 635.69).

Authority: Authority: 16 U.S.C. 971 *et seq.* and 16 U.S.C. 1801 *et seq.*

Dated: April 25, 2006.

Alan D. Risenhoover,
Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
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DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services; Overview Information; Technology and Media Services for Individuals With Disabilities—Captioned and Described Educational Media: Selection, Closed Captioning, Video Description, and Distribution; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2006

Catalog of Federal Domestic Assistance (CFDA) Number: 84.327N.

Dates: Applications Available: May 4, 2006.

Deadline for Transmittal of Applications: June 12, 2006.

Deadline for Intergovernmental Review: August 11, 2006.

Eligible Applicants: State educational agencies (SEAs); local educational agencies (LEAs); public charter schools that are LEAs under State law; institutions of higher education (IHEs); other public agencies; private nonprofit organizations; outlying areas; freely associated States; Indian tribes or tribal organizations; and for-profit organizations.

Estimated Available Funds: \$1,500,000.

Maximum Award: We will reject any application that proposes a budget exceeding \$1,500,000 for a single budget period of 12 months. The Assistant Secretary for Special Education and Rehabilitative Services may change the maximum amount through a notice published in the **Federal Register**.

Number of Awards: 1.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of this program is to: (1) Improve results for children with disabilities by

promoting the development, demonstration, and use of technology, (2) support educational media services activities designed to be of educational value in the classroom setting to children with disabilities, and (3) provide support for captioning and video description that is appropriate for use in the classroom setting.

Priority: In accordance with 34 CFR 75.105(b)(2)(iv) and (v), this priority is from allowable activities specified in the statute, or otherwise authorized in the statute (see sections 674 and 681(d) of the Individuals with Disabilities Education Act (IDEA)).

Absolute Priority: For FY 2006 this priority is an absolute priority. Under 34 CFR 75.105(c)(3), we consider only applications that meet this priority.

This priority is:

Technology and Media Services for Individuals With Disabilities—Captioned and Described Educational Media: Selection, Closed Captioning, Video Description, and Distribution

Priority

This priority supports one cooperative agreement, for the selection, acquisition, closed captioning, video description, and distribution of free educational media through such mechanisms as a loan service. The educational media are to be used in classroom settings by students with hearing or vision impairments and teachers and paraprofessionals who are directly involved in elementary or secondary classroom activities for these students. This priority would ensure that students who have hearing or vision impairments will benefit from the same educational media used to enrich the educational experiences of students who do not have hearing or vision impairments.

The project must:

(a) Develop strategies and procedures to be used in identifying program titles that meet the needs of elementary and secondary schools and submit lists of these program titles to OSEP for approval.

(b) Obtain media from producers and distributors identified under paragraph (a) for screening, evaluation, and, if necessary, closed captioning and video description. After screening and evaluating these media, select those that closely match the needs of elementary and secondary schools, taking into account the media most commonly used in school districts across the nation.

(c) Make arrangements with producers and distributors to purchase, distribute, and if necessary, closed caption and describe selected media, including distribution in alternate formats. Closed