

mean time of 0.50 minutes to 3.33 minutes (Harvey and Torok, 1994).

Once pile driving begins and an animal is seen or believed to entered the 250 ft (76 m) radius safety zone, the contractor must suspend pile driving and wait till the animal leaves the safety zone, or 15 minutes after the last sighting of the animal, before pile driving starts.

#### *Soft Start*

Although marine mammals will be protected from Level A harassment by establishment of a safety zone of 250-ft (76 m) radius, mitigation may not be 100 percent effective at all times in locating marine mammals. In order to provide additional protection to marine mammals near the project area by allowing marine mammals to vacate the area, thus further reducing the incidence of Level B harassment from startling marine mammals with a sudden intensive sound, MLHD will implement a "soft start" practice when startup pile driving. By implementing the "soft start" practice, pile driving would be initiated at an energy level less than full capacity (i.e., approximately 40–60 percent energy levels) for at least 5 minutes before gradually escalate to full capacity. This would ensure that, although not expected, any pinnipeds that are undetected during safety zone monitoring will not be injured.

#### *Compliance with Equipment Noise Standards*

To mitigate noise levels and, therefore, impacts to Pacific harbor seals and California sea lions, all construction equipment will comply as much as possible with applicable equipment noise standards of the U.S. Environmental Protection Agency, and all construction equipment will have noise control devices no less effective than those provided on the original equipment.

#### **Monitoring and Reporting**

MLHD must implement a monitoring plan that would collect data for each distinct marine mammal species observed during pile driving at the Moss Landing Harbor construction site. Marine mammal behavior, overall numbers of individuals observed, frequency of observation, and any behavioral changes due to the pile driving will be recorded.

Monitoring will be conducted by qualified NMFS-approved biologists. Binoculars and range finders will be provided to MMOs for accurately identifying species and determining distances.

Monitoring will begin prior to the first day of the pile driving to establish baseline data, and occur during the entire period when pile driving is underway, and continue for 30 minutes after the pile driving. Post construction monitoring will also be conducted for a period of one day upon completion of pile driving to identify any change of pinniped behaviors.

Before the startup of the pile driving, MMOs would visually survey the area to confirm the safety zone is clear of any marine mammals. Pile driving will not begin until the safety zone is clear of marine mammals. Monitoring would continue by the observers on a boat during the entire period of pile driving. However, as described in the Mitigation section, once pile driving begins, operations will continue uninterrupted until that pile is installed. However, if driving of a pile is completed and a marine mammal is sighted within the designated safety zone prior to commencement of the next pile driving, the observer(s) must notify the pile driver (or other authorized individual) immediately and follow the mitigation requirements as outlined previously (see Mitigation).

MLHD will submit a final report to NMFS 90 days after completion of the project. The final report will include data collected for each distinct marine mammal species observed in the vicinity of the construction area during pile driving. Marine mammal behavior, overall numbers of individuals observed, frequency of observation, and any behavioral changes due to the pile driving would also be included in the final report.

#### **ESA**

Based on a review conducted by NMFS biologists, no ESA-listed species are expected to occur in the proposed action area. NMFS has determined that no species listed under the ESA are likely to be affected and, therefore, a section 7 consultation is not warranted.

#### **National Environmental Policy Act (NEPA)**

NMFS prepared an Environmental Assessment (EA) on the issuance of an IHA for the taking of marine mammals incidental to demolition of the Sandholdt Road Bridge and construction of a new bridge in Moss Landing, California, in 2004 and made a Finding of No Significant Impact (FONSI) on December 21, 2004. The proposed action discussed in this document is not substantially different from the action analyzed in the 2004 EA, and a reference search has indicated that no significant new scientific

information or analyses have been developed in the past 2 years that would warrant new NEPA documentation. Therefore, a new EA is not warranted for the proposed project.

#### **Determinations**

For the reasons discussed in this document and identified supporting documents, NMFS has determined that the impact of pile driving associated with Moss Landing Harbor redevelopment project would result, at worst, in the Level B harassment of small numbers of Pacific harbor seals and California sea lions in the vicinity of the proposed project area. While behavioral modifications, including temporarily vacating the area during the pile driving, may be made by these species to avoid the resultant visual and acoustic disturbance, the availability of alternate areas near Monterey Bay and haul-out sites (including pupping sites) and feeding areas within the Bay has led NMFS to determine that this action will have a negligible impact on small numbers of Pacific harbor seal and California sea lion populations near the proposed project area.

In addition, no take by Level A harassment (injury) or death is anticipated and harassment takes should be at the lowest level practicable due to incorporation of the mitigation measures mentioned previously in this document.

#### **Authorization**

NMFS has issued an IHA to MLHD for the potential harassment of small numbers of harbor seals and California sea lions incidental to Moss Landing Harbor redevelopment project in Moss Landing, California, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated.

Dated: October 31, 2006.

**James H. Lecky,**

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

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## **DEPARTMENT OF COMMERCE**

### **National Oceanic and Atmospheric Administration**

[I.D. 101706F]

### **National Marine Fisheries Service; Notice of Availability of the Interim Final Ten Year Plan for the NOAA Aquaculture Program**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of availability of the Interim Final Ten Year Plan for the NOAA Aquaculture Program.

**SUMMARY:** The National Oceanic and Atmospheric Administration and the National Marine Fisheries Service announce the availability of the Interim Final Ten Year Plan for the NOAA Aquaculture Program (Plan). The Plan addresses NOAA's involvement in marine aquaculture in the United States over the next ten years. It includes Program Goals and Strategies, Outcomes, Benefits, Budget and Staffing Requirements, and Challenges. The Plan was prepared by NOAA at the request of the Marine Fisheries Advisory Committee (MAFAC) which advises the Secretary of Commerce on all living marine resource matters that are the responsibility of the Department of Commerce. At its July 25–27, 2006 meeting, the MAFAC reviewed the Plan and recommended that it be formally adopted by NOAA. Before taking this step, NOAA is providing the public an opportunity to comment on the Plan.

**DATES:** NOAA invites electronic and written comments on the Plan. All comments should be submitted by the close of business November 30, 2006 to ensure consideration. Comments submitted after that date will be considered to the extent possible.

**ADDRESSES:** The Plan and information about the NOAA Aquaculture Program are available on the NOAA Worldwide Web site at: <http://www.aquaculture.noaa.gov>. Electronic comments should be submitted to [NOAA.Aquaculture@noaa.gov](mailto:NOAA.Aquaculture@noaa.gov). Requests for hard copies of the Plan and/or submission of written comments should be directed to the NOAA Aquaculture Program, 1315 East-West Highway, room 13117, Silver Spring, MD 20910; by fax at (301) 713–9108; or by phone at (301) 713–9079.

**FOR FURTHER INFORMATION CONTACT:** Bruce Morehead or Kate Naughten, NOAA Aquaculture Program, NOAA/National Marine Fisheries Service, 1315 East-West Highway, room 13117, Silver Spring, MD 20910, (301) 713–9079 or email at: [bruce.morehead@noaa.gov](mailto:bruce.morehead@noaa.gov) or [kate.naughten@noaa.gov](mailto:kate.naughten@noaa.gov).

Dated: November 1, 2006.

**John Oliver,**

*Deputy Assistant Administrator for Operations, National Marine Fisheries Service.*

[FR Doc. E6–18701 Filed 11–3–06; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF EDUCATION

### Submission for OMB Review; Comment Request

**AGENCY:** Department of Education.  
**SUMMARY:** The IC Clearance Official, Regulatory Information Management Services, Office of Management invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

**DATES:** Interested persons are invited to submit comments on or before December 6, 2006.

**ADDRESSES:** Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Rachel Potter, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10222, New Executive Office Building, Washington, DC 20503 or faxed to (202) 395–6974.

**SUPPLEMENTARY INFORMATION:** Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The IC Clearance Official, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: October 31, 2006.

**Angela C. Arrington,**

*IC Clearance Official, Regulatory Information Management Services, Office of Management.*

### Office of Special Education and Rehabilitative Services

*Type of Review:* Revision.

*Title:* Annual State Application Under Part C of the IDEA as Amended in 2004.

*Frequency:* Annually.

*Affected Public:* State, Local, or Tribal Gov't, SEAs or LEAs.

*Reporting and Recordkeeping Hour Burden:*

Responses: 56.

Burden Hours: 560.

*Abstract:* The Individuals with Disabilities Education Improvement Act of 2004, signed on December 3, 2004, became Public Law 108–446. In order to be eligible for a grant under 20 U.S.C. 1433, a State shall provide assurance to the Secretary that the State has adopted a policy that appropriate early intervention services are available to all infants and toddlers with disabilities in the State and their families, including Indian infants and toddlers with disabilities and their families residing on a reservation geographically located in the State, infants and toddlers with disabilities who are homeless children and their families, and has in effect a statewide system that meets the requirements of 20 U.S.C. 1435. Information Collection 1820–0550 is being revised so that a State can provide assurances that it either has or does not have in effect policies, procedures, methods, descriptions, and assurances that meet the application requirements of part C of the Act as found in Public Law 108–446.

Requests for copies of the information collection submission for OMB review may be accessed from <http://edicsweb.ed.gov>, by selecting the “Browse Pending Collections” link and by clicking on link number 3172. When you access the information collection, click on “Download Attachments” to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center, 9th Floor, Washington, DC 20202–4700. Requests may also be electronically mailed to [ICDocketMgr@ed.gov](mailto:ICDocketMgr@ed.gov) or faxed to 202–245–6623. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be electronically mailed to [ICDocketMgr@ed.gov](mailto:ICDocketMgr@ed.gov). Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

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## DEPARTMENT OF EDUCATION

### Submission for OMB Review; Comment Request

**AGENCY:** Department of Education.