

December 29, 2006). Thus, NMFS believes that the Council has taken the necessary steps under Magnuson-Stevens Act section 304(e)(3)(A) to end overfishing on petrale sole.

Dated: March 12, 2007.

Alan D. Risenhoover,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 030602141-7056-49; I.D. 030607G]

Availability of Grant Funds for Fiscal Year 2007

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

ACTION: Notice; reopening of competition solicitation.

SUMMARY: The National Oceanic and Atmospheric Administration, National Marine Fisheries Service publishes this notice to reopen the competitive solicitation for the Chesapeake Bay Cooperative Science Program which was originally published in the **Federal Register** on December 27, 2006. The solicitation period was reopened to provide the public more time to submit proposals.

DATES: The new deadline for the receipt of proposals is 5 p.m. Eastern Time on March 26, 2007 for both electronic and paper applications.

ADDRESSES: The address for submitting Proposals electronically is: <http://www.grants.gov/>. (Electronic submission is strongly encouraged). Paper submissions should be sent to the NOAA Chesapeake Bay Office, 410 Severn Avenue, Suite 107, Annapolis, MD 21403.

FOR FURTHER INFORMATION CONTACT:

Derek Orner, 410-267-5676, derek.orn@noaa.gov; or Peter Bergstrom, 410-267-5665, peter.bergstrom@noaa.gov.

SUPPLEMENTARY INFORMATION: This program was originally solicited in the **Federal Register** on December 27, 2006 (71 FR 77726), as part of the December, 2006 NOAA Omnibus

solicitation. The original deadline for receipt of proposals was 5 p.m., EST, on March 12, 2007. NOAA reopens the solicitation period to provide the public more time to submit proposals as severe

weather conditions adversely affected the ability of potential applicants to submit applications. All applications that are submitted between March 12, 2007, and March 19, 2007 will be considered timely. All other requirements published in the December 27, 2006 solicitation notice are applicable and remain the same.

Limitation of Liability

Funding for programs listed in this notice is contingent upon the availability of Fiscal Year 2007 funds. In no event will NOAA or the Department of Commerce be responsible for proposal preparation costs if these programs fail to receive funding or are cancelled because of other agency priorities. Publication of this announcement does not oblige NOAA to award any specific project or to obligate any available funds.

Universal Identifier

Applicants should be aware that they are required to provide a Dun and Bradstreet Data Universal Numbering System (DUNS) number during the application process. See the October 30, 2002, **Federal Register**, Vol. 67, No. 210, pp. 66177-66178, for additional information. Organizations can receive a DUNS number at no cost by calling the dedicated toll-free DUNS Number request line at 1-866-705-5711 or via the internet (<http://www.dunandbradstreet.com>).

National Environmental Policy Act (NEPA)

NOAA must analyze the potential environmental impacts, as required by the National Environmental Policy Act (NEPA), for applicant projects or proposals which are seeking NOAA federal funding opportunities. Detailed information on NOAA compliance with NEPA can be found at the following NOAA NEPA website: <http://www.nepa.noaa.gov/>, including our NOAA Administrative Order 216-6 for NEPA, http://www.nepa.noaa.gov/NAO216_6_TOC.pdf, and the Council on Environmental Quality implementation regulations, http://ceq.eh.doe.gov/nepa/regs/ceq/toc_ceq.htm. Consequently, as part of an applicant's package, and under their description of their program activities, applicants are required to provide detailed information on the activities to be conducted, locations, sites, species and habitat to be affected, possible construction activities, and any environmental concerns that may exist (e.g., the use and disposal of hazardous or toxic chemicals, introduction of non-indigenous species, impacts to

endangered and threatened species, aquaculture projects, and impacts to coral reef systems).

In addition to providing specific information that will serve as the basis for any required impact analyses, applicants may also be requested to assist NOAA in drafting of an environmental assessment, if NOAA determines an assessment is required. Applicants will also be required to cooperate with NOAA in identifying feasible measures to reduce or avoid any identified adverse environmental impacts of their proposal. The failure to do so shall be grounds for not selecting an application. In some cases if additional information is required after an application is selected, funds can be withheld by the Grants Officer under a special award condition requiring the recipient to submit additional environmental compliance information sufficient to enable NOAA to make an assessment on any impacts that a project may have on the environment.

The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements contained in the **Federal Register** notice of December 30, 2004 (69 FR 78389), are applicable to this solicitation.

Paperwork Reduction Act

This document contains collection-of-information requirements subject to the Paperwork Reduction Act (PRA). The use of Standard Forms 424, 424A, 424B, SF-LLL, and CD-346 has been approved by the Office of Management and Budget (OMB) under the respective control numbers 0348-0043, 0348-0044, 0348-0040, 0348-0046, and 0605-0001. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA unless that collection of information displays a currently valid OMB control number.

Executive Order 12866

This notice has been determined to be not significant for purposes of Executive Order 12866.

Executive Order 13132 (Federalism)

It has been determined that this notice does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

Administrative Procedure Act/Regulatory Flexibility Act

Prior notice and an opportunity for public comment are not required by the Administrative Procedure Act or any other law for rules concerning public

property, loans, grants, benefits, and contracts (5 U.S.C. 553(a)(2)). Because notice and opportunity for comment are not required pursuant to 5 U.S.C. 553 or any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are inapplicable. Therefore, a regulatory flexibility analysis has not been prepared.

Dated: March 13, 2007.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 022807G]

Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Rocket Launches from Kodiak, AK

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice; issuance of a Letter of Authorization.

SUMMARY: In accordance with the Marine Mammal Protection Act (MMPA) and implementing regulations, notification is hereby given that a 1-year letter of authorization (LOA) has been issued to the Alaska Aerospace Development Corporation (AADC), to take Steller sea lions (*Eumetopias jubatus*) and Pacific harbor seals (*Phoca vitulina richardii*) incidental to rocket launches from the Kodiak Launch Complex (KLC).

DATES: Effective March 12, 2007, through March 11, 2008.

ADDRESSES: The LOA and supporting documentation are available by writing to Michael Payne, Chief, Permits, Conservation, and Education Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910-3225, by telephoning one of the contacts listed here (see **FOR FURTHER INFORMATION CONTACT**), or online at: <http://www.nmfs.noaa.gov/pr/permits/incidental.htm>. Documents cited in this notice may be viewed, by appointment, during regular business hours, at the aforementioned address.

FOR FURTHER INFORMATION CONTACT: Jolie Harrison, Office of Protected Resources,

NMFS, (301) 713-2289, or Brad Smith, NMFS, (907) 271-3023.

SUPPLEMENTARY INFORMATION:

Background

Section 101(a)(5)(A) of the MMPA (16 U.S.C. 1361 *et seq.*) directs the National Marine Fisheries Service (NMFS) to allow, on request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and regulations are issued. Under the MMPA, the term "taking" means to harass, hunt, capture, or kill or to attempt to harass, hunt, capture or kill marine mammals.

Authorization may be granted for periods up to 5 years if NMFS finds, after notification and opportunity for public comment, that the taking will have a negligible impact on the species or stock(s) of marine mammals and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses. In addition, NMFS must prescribe regulations that include permissible methods of taking and other means effecting the least practicable adverse impact on the species and its habitat and on the availability of the species for subsistence uses, paying particular attention to rookeries, mating grounds, and areas of similar significance. The regulations must include requirements for monitoring and reporting of such taking.

Regulations governing the taking of Steller sea lions (SSLs) and harbor seals incidental to rocket launches at KLC, became effective on February 27, 2006 (71 FR 4297), and remain in effect until February 28, 2011. For detailed information on this action, please refer to that document. These regulations include mitigation, monitoring, and reporting requirements for the incidental taking of marine mammals during rocket launches at KLC.

Summary of Request

NMFS received a request for an LOA pursuant to the aforementioned regulations that would authorize, for a period not to exceed 1 year, take of marine mammals incidental to rocket launches at KLC.

Summary of Activity and Monitoring Under the Current LOA

In compliance with the 2006 LOA, AADC submitted an annual report on the rocket launches at KLC. A summary of that report (R&M Consultants, 2006) follows.

One launch was conducted at KLC between February 27, 2006, and February 28, 2007. This was a monitored launch of an Interceptor FTG-02 on September 1, 2006, at 9:22 am. Aerial surveys to document abundance of SSLs and harbor seals were flown 3 days prior to, immediately after, and 2 days post launch. Video monitoring equipment and a sound level meter were deployed on the northeast end of Ugak Island, 4.5 miles (7.2 km) from the launch site, overlooking East Ugak Rock, and another sound level meter was deployed at Narrow Cape, 0.9 miles from the launch site. No SSLs were observed at the traditional haul-out site on the northern tip of Ugak Island during pre-launch surveys; therefore, no monitoring at that site was conducted. As an alternative, the northeast end of Ugak Island was chosen as a monitoring location as two to five SSLs were observed there during pre-launch aerial survey flights.

Sound level monitoring equipment at the SSL haulout site registered noise above general ambient levels for one minute eight seconds. Noise levels peaked at 105.6 dBC. During pre-launch aerial surveys, 2 to 4 sea lions were observed hauled out at this site and one was seen swimming in the area on 2 of the 3 days. Video monitoring showed two SSLs resting on East Ugak Rock during the launch. No change in SSL activity was observed during the ignition, during the peak noise levels that followed the launch, or for the remaining duration of the video monitoring (4 hrs 7 min). Post launch surveys documented 1-2 SSLs using this haul-out site.

Video monitoring for harbor seal reaction during the launch was not required in conjunction with SSL response monitoring. Abundance monitoring via aerial surveys conducted pre and post launch around Ugak Island revealed that harbor seals concentrated at two haul-out sites. Average haul-out attendance increased on days following the launch at these two locations, Northeast and Southeast Ugak Island. Pre launch surveys showed 876 and 1154, respectively, seals hauled-out while post launch surveys revealed 1207 and 1497 seals at these locations. Therefore, NMFS believes that harbor seal attendance at these haul-out sites was not affected negatively by this launch.

In summary, no impacts to any marine mammals were detected during the launches. There was no evidence of injury or mortality as a result of the launches and numbers of hauled out animals were similar to or higher than