

modification of critical habitat. A copy of the Biological Opinion is available upon request (see **ADDRESSES**). On March 23, 2005, the USFWS determined that the proposed survey would not adversely affect sea otters or other species under its jurisdiction.

### National Environmental Policy Act (NEPA)

The NSF has made a Finding of No Significant Impact (FONSI) determination based on information contained within its EA that implementation of the subject action is not a major Federal action having significant effects on the environment within the meaning of NEPA. NSF determined, therefore, that an environmental impact statement would not be prepared. On March 21, 2005 (70 FR 13466), NMFS noted that the NSF had prepared an EA for the Aleutian Island surveys and made this EA available upon request. In accordance with NOAA Administrative Order 216-6 (Environmental Review Procedures for Implementing the National Environmental Policy Act, May 20, 1999), NMFS has reviewed the information contained in NSF's EA and determined that the NSF EA accurately and completely describes the proposed action alternative, and the potential impacts on marine mammals, endangered species, and other marine life that could be impacted by the preferred alternative and the other alternatives. Accordingly, NMFS adopted the NSF EA under 40 CFR 1506.3 and made its own FONSI. The NMFS FONSI also takes into consideration additional mitigation measures required by the IHA that are not in NSF's EA. Therefore, NMFS has determined that it is not necessary to issue a new EA, supplemental EA or an EIS for the issuance of an IHA to L-DEO for this activity. A copy of the EA and the NMFS FONSI for this activity is available upon request (see **ADDRESSES**).

### Determinations

NMFS has determined that the impact of conducting the seismic survey in the Aleutian Islands in the North Pacific Ocean may result, at worst, in a temporary modification in behavior by certain species of marine mammals. This activity is expected to result in no more than a negligible impact on the affected species or stocks.

For reasons stated previously in this document, this determination is supported by (1) the likelihood that, given sufficient notice through relatively slow ship speed and ramp-up, marine mammals are expected to move away from a noise source that is

annoying prior to its becoming potentially injurious; (2) recent research that indicates that TTS is unlikely (at least in delphinids) until levels closer to 200–205 dB re 1 microPa are reached rather than 180 dB re 1 microPa; (3) the fact that 200–205 dB isopleths would be well within 100 m (328 ft) of the vessel even in shallow water; and (4) the likelihood that marine mammal detection ability by trained observers is close to 100 percent during daytime and remains high at night to that distance from the seismic vessel. As a result, no take by injury or death is anticipated, and the potential for temporary or permanent hearing impairment is very low and will be avoided through the incorporation of the proposed mitigation measures mentioned in this document.

While the number of potential incidental harassment takes will depend on the distribution and abundance of marine mammals in the vicinity of the survey activity, the number of potential harassment takings is estimated to be small. In addition, the proposed seismic program will not interfere with any legal subsistence hunts, since seismic operations will not take place in subsistence whaling and sealing areas and will not affect marine mammals used for subsistence purposes.

The change of survey vessel and the differences in the timing of the summer 2005 survey are not expected to alter the impacts of the seismic survey on the wildlife resources in the area. The acoustic equipment on both vessels is similar and no substantial differences in impacts to the marine mammal species present and the environment are expected from the use of the *Thompson* instead of the *R/V Kilo Moana*. The description of the animal distributions and abundances in the study area is not expected to change over the approximately two month period of both the original and revised schedules. The take estimates provided in the application also apply to the revised schedule.

### Authorization

NMFS has issued an IHA to L-DEO to take marine mammals, by harassment, incidental to conducting a low-intensity oceanographic seismic survey in the Aleutian Island area of the North Pacific Ocean, for a 1-year period, provided the mitigation, monitoring, and reporting requirements are undertaken.

Dated: July 28, 2005.

**James H. Lecky,**

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

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**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[Docket Number 050722197-5197-01]

### Partnerships in the Provision of Environmental Information

**AGENCY:** National Oceanic and Atmospheric Administration, Department of Commerce.

**ACTION:** Notice.

**SUMMARY:** The National Oceanic and Atmospheric Administration (NOAA) is proposing to clarify its internal Policy on Partnerships in the Provision of Environmental Information, issued December 1, 2004. This clarification is intended to address apparent misunderstanding regarding the intent of the policy with respect to the role played by the private sector in the environmental information enterprise as a whole.

**DATES:** To be sure that your comments are considered, we must receive them by 12 p.m., e.s.t., November 2, 2005.

**ADDRESSES:** The proposed clarification to the policy is available electronically at <http://www.nws.noaa.gov/partnershippolicy>. Comments are requested electronically; please send comments to [partnershippolicy@noaa.gov](mailto:partnershippolicy@noaa.gov). Requests for hard copies or comments in letter form should be sent to Partnership Policy, Room 11426, 1325 East-West Highway, Silver Spring, MD 20910-3283.

**FOR FURTHER INFORMATION CONTACT:** John Sokich 301-713-0258.  
[john.sokich@noaa.gov](mailto:john.sokich@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The National Oceanic and Atmospheric Administration (NOAA) recognizes there has been some misunderstanding regarding the intent of its "Policy on Partnerships in the Provision of Environmental Information," issued December 1, 2004. The present policy does not adequately express NOAA's views of the critical role played by the private sector in the environmental information enterprise as a whole. NOAA is sensitive to the concerns and prerogatives of the private sector, and has no intent to displace it. We recognize that the public interest is

served by the ability of private sector entities to provide diverse services to meet the varied needs of specific individuals, organizations and economic entities. At the same time, NOAA has a responsibility to help protect lives and property and enhance the national economy.

The present standard of NOAA conduct is contained in Section 4 of the policy which states that NOAA will give "due consideration" to the abilities of the private sector and academic communities to provide diverse services and act in the public interest when making decisions regarding NOAA information services. NOAA proposes clarifying Section 4 to state that NOAA will "take advantage of existing capabilities and services of commercial and academic sectors to avoid duplication and competition in areas not related to the NOAA mission."

The proposed clarification is intended to emphasize the statement in the present policy that NOAA will not haphazardly institute significant changes in existing information dissemination activities without first carefully considering the views and capabilities of the private sector. In that regard, it emphasizes that NOAA will endeavor to take advantage of capabilities and services that already exist in the commercial sector.

NOAA is committed to open consultation with all who are affected by NOAA's services, including the private sector. The American Meteorological Society has established a new Commission to foster constructive discussion within the enterprise as a whole. NOAA will use this and other appropriate mechanisms to consult openly on these matters as we move forward.

In sum, NOAA will interpret and apply the policy to recognize the unique capabilities of the private sector in order to accomplish our shared goal of fostering a robust and successful environmental information enterprise.

Accordingly, NOAA seeks comment on the proposed change to Section 4, which would read as follows:

4. The nation benefits from government information disseminated both by Federal agencies and by diverse nonfederal parties, including commercial and not-for-profit entities. NOAA recognizes the government best serves the public interest by cooperating with private sector and academic and research entities to meet the varied needs of specific individuals, organizations, and economic entities. NOAA will take advantage of existing capabilities and services of commercial and academic sectors to avoid

duplication and competition in areas not related to the NOAA mission. NOAA will give due consideration to these abilities and consider the effects of its decisions on the activities of these entities, in accordance with its responsibilities as an agency of the U.S. Government, to serve the public interest and advance the nation's environmental information enterprise as a whole.

For ease of comparison, the present Section 4 reads as follows:

4. NOAA recognizes the public interest is served by the ability of private sector entities and the academic and research community to provide diverse services to meet the varied needs of specific individuals, organizations, and economic entities. The nation benefits from government information disseminated both by Federal agencies and by diverse nonfederal parties, including commercial and not-for-profit entities. NOAA will give due consideration to these abilities, and consider the effects of its decisions on the activities of these entities, in accordance with its responsibilities as an agency of the U.S. Government, to serve the public interest and advance the nation's environmental information enterprise as a whole.

Dated: August 1, 2005.

**David L. Johnson,**

*Assistant Administrator for Weather Services.*

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**BILLING CODE 3510-KE-P**

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## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Meeting of the Independent Review Panel to Study the Relationships between Military Department General Counsels and Judge Advocates General—Open Meeting

**AGENCY:** Department of Defense.

**ACTION:** Notice.

**SUMMARY:** Pursuant to the Federal Advisory Committee Act (FACA), Public Law 96-463, notice is hereby given that the Independent Review Panel to Study the Relationships between Military Department General Counsels and Judge Advocates General will hold an open meeting at the Hilton Crystal City, 2399 Jefferson Davis Highway, Arlington, Virginia 22202, on August 12, 2005, from 8:30 a.m. to 11:30 a.m. and 1 p.m. to 4 p.m.

*Purpose:* The Panel will meet on August 12, 2005, from 8:30 a.m. to 11:30 a.m. and 1 p.m. to 4 p.m., to conduct deliberations concerning the relationships between the legal elements

of their respective Military Departments. These sessions will be open to the public, subject to the availability of space. The Panel has held seven public hearings and has provided the public opportunities to address the Panel both person and in writing. The Panel has also deliberated in several sessions open to the public, including deliberations on an initial draft of a final report prepared by the Panel's staff. The Panel must complete its report during August so that Congress may consider it during this legislative session as envisioned in section 574 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005. Due to this exceptional circumstance, the Panel decided to hold its final deliberation session, open to the public, on August 12. This decision, based on that exceptional circumstance, was made on July 28, thus making it impossible for the Department to provide the 15 calendar days notice normally required for Panel meetings.

**DATES:** August 12, 2005: 8:30 a.m.–11:30 a.m., and 1 p.m.–4 p.m.

*Location:* Hilton Crystal City, 2399 Jefferson Davis Highway, Arlington, Virginia 22202.

**FOR FURTHER INFORMATION CONTACT:** Any member of the public wishing further information concerning this meeting may contact:

Mr. James R. Schwenk, Designated Federal Official, Department of Defense Office of the General Counsel, 1600 Defense Pentagon, Arlington, Virginia 20301-1600. Telephone: (703) 697-9343. Fax: (703) 693-7616. [schwenkj@dodge.osd.mil](mailto:schwenkj@dodge.osd.mil).

Dated: August 1, 2005.

**L. M. Bynum,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

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## DEPARTMENT OF EDUCATION

### Office of Special Education and Rehabilitative Services, Overview Information, Special Education—Technical Assistance on State Data Collection—IDEA General Supervision Enhancement Grant; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2005

Catalog of Federal Domestic Assistance (CFDA) Number: 84.373X.

**Note:** The Secretary is inviting applications under two separate funding priorities addressing data collected under Part B and Part C of the Individuals with Disabilities Education Act, as amended (IDEA).