

VII. In accordance with Section 766.23(c), Khan and Pakland may file an appeal with the Administrative Law Judge.

VIII. A copy of this Order shall be delivered to Karni and the Related Persons. This Order shall be published in the **Federal Register**.

Dated: August 1, 2006.

**Eileen M. Albanese,**

*Director, Office of Exporter Services.*

[FR Doc. 06-6716 Filed 8-4-06; 8:45 am]

**BILLING CODE 3510-DT-M**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 0713061]

#### Endangered Species; Permit Nos. 1579, 1555, and 1545

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

**ACTION:** Notice; Issuance of permits.

**SUMMARY:** Notice is hereby given that the following groups have been issued scientific research or enhancement permits to take shortnose sturgeon (*Acipenser brevirostrum*):

Alden Research Laboratory, Inc. (Edward P. Taft, Responsible Party), 30 Shrewsbury Street, Holden, MA 01520 (Permit No. 1579);

David J. Stier, Springfield Science Museum, 220 State Street, Springfield, MA 01103 (Permit No. 1555); and

North Carolina Zoological Park (John D. Groves, Principal Investigator), 4401 Zoo Parkway, Asheboro, NC 27205 (Permit No. 1545).

**ADDRESSES:** The permit and related documents are available for review upon written request or by appointment in the following offices:

All documents: Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713-2289; fax (301)427-2521;

For Permit Nos. 1579 and 1555: Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930-2298; phone (978)281-9328; fax (978)281-9394; and

For Permit No. 1545: Southeast Region, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701; phone (727)824-5312; fax (727)824-5309.

**FOR FURTHER INFORMATION CONTACT:** Kate Swails or Jennifer Skidmore at (301)713-2289.

**SUPPLEMENTARY INFORMATION:** The requested permits have been issued under the authority of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222-226).

*Permit No. 1579:* On May 26, 2006, notice was published in the **Federal Register** (71 FR 30385) that a request for a scientific research permit to take shortnose sturgeon had been submitted by Alden Research Laboratory, Inc. Alden will perform research on entrainment and impingement rates for selected bar rack and bypass configurations in attempt to identify design criteria for a downstream passage facility at the Hadley Falls Hydroelectric Project on the Connecticut River. The applicant will use captive-bred sturgeon and all testing will take place in the Alden Lab testing flume. During the first year of the permit up to 70 sturgeon will be transported from hatcheries, measured, handled, Passive Integrated Transponder tagged, and participate in the flume testing. During the remaining four years up to 200 sturgeon will participate in the study annually. At the end of the five-year study the sturgeon will be sacrificed.

*Permit Nos. 1555 and 1545:* On November 4, 2005 and November 10, 2005, notice was published in the **Federal Register** (70 FR 67141 and 70 FR 68398) that requests for enhancement permits to take shortnose sturgeon had been submitted by David Steir and the North Carolina Zoological Park (John D. Groves, Principal Investigator), respectively. Mr. Steir will obtain and use five captive-bred, non-releaseable juvenile shortnose sturgeon from the Silvio O. Conte Anadromous Fish Research Center in Turners Falls, MA. The North Carolina Zoological Park will use ten captive-bred, non-releaseable shortnose sturgeon from the U.S. Fish and Wildlife Service's Warm Springs National Fish Hatchery for the purposes of educational display. The proposed projects to display endangered cultured shortnose sturgeon respond directly to a recommendation from the NMFS recovery plan outline for this species. These sturgeon displays will be used to increase public awareness of the shortnose sturgeon and its status. The proposed projects will educate the public on shortnose sturgeon life history and the reasons for the species decline. The permits are issued for 5 years.

Issuance of these permits, as required by the ESA, was based on a finding that these permits (1) Were applied for in good faith, (2) will not operate to the

disadvantage of such endangered or threatened species, and (3) are consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: August 1, 2006.

**P. Michael Payne,**

*Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. E6-12755 Filed 8-4-06; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[Docket No. 060725202-6202\* I.D. No. 072006D]

#### Endangered and Threatened Wildlife; 90-Day Finding for a Petition To List the Cook Inlet Beluga Whale as an Endangered Species

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

**ACTION:** Notice of 90-day petition finding.

**SUMMARY:** We (NMFS) announce a 90-day finding on a petition to list the Cook Inlet beluga whale as an endangered species under the Endangered Species Act (ESA). We find that the petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted.

**DATES:** The finding announced in this document was made on August 7, 2006.

**ADDRESSES:** Requests for copies of the petition should be addressed to NMFS, Protected Resources Division, 709 West 9th Street, Box 21668, Juneau, AK 99802-1668. The petition may also be viewed on our Web site at <http://www.fakr.noaa.gov/>.

**FOR FURTHER INFORMATION CONTACT:** Brad Smith, NMFS, 222 West 7th Avenue, Anchorage, AK 99517, telephone (907) 271-5006, fax (907) 271-3030; Kaja Brix, NMFS, (907)586-7235, fax (907) 586-7012; or Marta Nammack, NMFS, (301)713ndash;1401.

**SUPPLEMENTARY INFORMATION:** On April 20, 2006, we received a petition from Trustees For Alaska to list the Cook Inlet beluga whale as endangered under the ESA. Section 4(b)(3)(A) of the ESA requires, to the maximum extent practicable, that within 90 days of receipt of a petition to designate a species as threatened or endangered, the Secretary of Commerce (Secretary) make a finding on whether that petition

presents substantial scientific or commercial information indicating that the petitioned action may be warranted. That finding is to be published promptly in the **Federal Register**.

In determining whether a petition contains substantial information, we consider information submitted with and referenced in the petition and all other information readily available in our files. We do not conduct additional research at this point, and we subject the petition to critical review. Our ESA implementing regulations at 50 CFR 424.14(b)(1) define  $\geq$ substantial information  $\geq$  as the amount of information that would lead a reasonable person to believe that the measure proposed in the petition may be warranted. If the petition is found to present such information, the Secretary must conduct a status review of the involved species. In making a finding on a petition to list a species, the Secretary must consider whether such a petition (i) clearly indicates the administrative measure recommended and gives the scientific and any common name of the species involved; (ii) contains detailed narrative justification for the recommended measure, describing, based on available information, past and present numbers and distribution of the species involved and any threats faced by the species; (iii) provides information regarding the status of the species over all or a significant portion of its range; and (iv) is accompanied by the appropriate supporting documentation in the form of bibliographic references, reprints of pertinent publications, copies of reports or letters from authorities, and maps (50 CFR 424.14(b)(2)).

The petition submitted by Trustees for Alaska presents substantial evidence in support of their request. The petition states the Cook Inlet population of beluga whales is a "species" under the definition of the ESA, and that NMFS in June 2000 wrote that the Cook Inlet population of beluga whales qualifies as a Distinct Population Segment (DPS, which is a species under the ESA) under the joint NMFS/U.S. Fish and Wildlife policy on the Recognition of Distinct Vertebrate Population Segments under the ESA (61 FR 4722; February 7, 1996). This policy states that a population can be considered a DPS if it is discrete from other conspecific populations and if it is significant to the taxon to which it belongs. The petitioner provides genetic and geographic information to support that the Cook Inlet beluga whale is discrete from other beluga whale populations, as well as rationale for why this population is also significant to the beluga whale species. It is the

petitioner's contention that the Cook Inlet beluga whale is in danger of extinction throughout its range, and, therefore, is an endangered species as defined under 16 U.S.C. 1532(6). The petition presents information on the abundance, demographics, and distribution of the Cook Inlet beluga whales, as well as a discussion of the applicability of the ESA section 4(a)(1) factors found at 16 U.S.C. 1533(a).

We evaluated whether the information provided or cited in the petition met the ESA's standard for "substantial information." After reviewing the information contained in the petition, as described above, as well as other scientific information readily available, we have determined that the petition presents substantial scientific information indicating that the petitioned action may be warranted.

We initiated a status review on March 29, 2006 (71 FR 14836), prior to receiving the petition. A status review is an evaluation of the available information about the biological vulnerability of a species, subspecies, or DPS. Information considered during a status review includes demographic information such as abundance, reproductive success, age structure, and distribution, and information provided in a petition for listing. A status review considers both historical and recent trends in these parameters, to the extent that this information is available. The status review must also evaluate current and potential threats facing the species and ongoing efforts to protect the species, subspecies, or DPS. We solicited information from the public to help us in evaluating the status of the Cook Inlet beluga whale when we announced the initiation of the status review (71 FR 14836; March 24, 2006).

Upon completion of the status review, and within 12 months of the petition, we must make one of the following findings: (1) The petitioned action is not warranted, in which case the Secretary shall promptly publish such finding in the Federal Register and so notify the petitioner; (2) the petitioned action is warranted, in which case the Secretary shall promptly publish in the **Federal Register** a proposed regulation to implement the action pursuant to 50 CFR 424.16; or (3) the petitioned action is warranted, but that (A) the immediate proposal and timely promulgation of a regulation to implement the petitioned action is precluded because of other pending proposals to list, delist, or reclassify species, and (B) expeditious progress is being made to list, delist, or reclassify qualified species, in which case such findings shall be promptly published in the **Federal Register**

together with a description and evaluation of the reasons and data on which the finding is based.

#### Authority

The authority for this action is the ESA, as amended (16 U.S.C. 1531 *et seq.*).

Dated: August 1, 2006.

**William Hogarth,**

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

[FR Doc. E6-12754 Filed 8-4-06; 8:45 am]

BILLING CODE 3510-22-S

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 080106B]

#### Endangered and Threatened Species; Take of Anadromous Fish

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

**ACTION:** Applications for seven scientific research permits (1135, 1290, 1318, 1322, 1330, 1333, 1461).

**SUMMARY:** Notice is hereby given that NMFS has received seven scientific research permit application requests relating to Pacific salmonids. The proposed research is intended to increase knowledge of species listed under the Endangered Species Act (ESA) and to help guide management and conservation efforts.

**DATES:** Comments or requests for a public hearing on the applications must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m. Pacific standard time on September 6, 2006.

**ADDRESSES:** Written comments on the applications should be sent to the Protected Resources Division, NMFS, 1201 NE Lloyd Blvd., Suite 1100, Portland, OR 97232-1274. Comments may also be sent via fax to 503-230-5441 or by E-mail to [resapps.nwr@NOAA.gov](mailto:resapps.nwr@NOAA.gov).

**FOR FURTHER INFORMATION CONTACT:** Garth Griffin, Portland, OR (ph.: 503-231-2005, Fax: 503-230-5441, E-mail: [Garth.Griffin@noaa.gov](mailto:Garth.Griffin@noaa.gov)). Permit application instructions are available from the address above.

#### SUPPLEMENTARY INFORMATION:

##### Species Covered in This Notice

The following listed species are covered in this notice: