

account for and report the full costs of its programs and activities. Further, the DARRP is authorized by law to recover reasonable costs of damage assessment and restoration activities under CERCLA, OPA, and the NMSA. Within the constraints of these legal provisions and their regulatory applications, the DARRP has the discretion to develop indirect cost rates for its component organizations and formulate policies on the recovery of indirect cost rates subject to its requirements.

**The DARRP's Indirect Cost Effort**

In December 1998, the DARRP hired the public accounting firm Rubino & McGeehin, Chartered (R&M) to: Evaluate cost accounting system and allocation practices; recommend the appropriate indirect cost allocation methodology; and determine the indirect cost rates for the three organizations that comprise the DARRP. A **Federal Register** notice on R&M's effort, their assessment of the DARRP's cost accounting system and practice, and their determination regarding the most appropriate indirect cost methodology and rates for FYs 1993 through 1999 was published on December 7, 2000 (65 FR 76611). The notice and report by R&M can also be found on the DARRP Web site at <http://www.darrp.noaa.gov>.

R&M continued its assessment of DARRP's indirect cost rate system and structure for FYs 2000 and 2001. A second federal notice specifying the DARRP indirect rates for FYs 2000 and 2001 was published on December 2, 2002 (67 FR 71537).

In October 2002, DARRP hired the accounting firm of Cotton and Company LLP (Cotton) to review and certify DARRP costs incurred on cases for purposes of cost recovery and to develop indirect rates for FY 2002 and subsequent years. As in the prior years, Cotton concluded that the cost accounting system and allocation practices of the DARRP component organizations are consistent with Federal accounting requirements. Consistent with R&M's previous analyses, Cotton also determined that the most appropriate indirect allocation method continues to be the Direct Labor Cost Base for all three DARRP component organizations. The Direct Labor Cost Base is computed by allocating total indirect cost over the sum of direct labor dollars plus the application of NOAA's leave surcharge and benefits rates to direct labor. Direct labor costs for contractors from the Oak Ridge Institute for Science and Education (ORISE) and I.M. Systems Group (IMSG) also were included in the direct labor base because Cotton

determined that these costs have the same relationship to the indirect cost pool as NOAA direct labor costs. ORISE and IMSG provided on-site support to the DARRP in the areas of injury assessment, natural resource economics, restoration planning and implementation, and policy analysis. IMSG continues to provide on-site support to the DARRP. A third federal notice specifying the DARRP indirect rates for FY 2002 was published on October 6, 2003 (68 FR 57672), a fourth notice for the FY 2003 indirect cost rates appeared on May 20, 2005 (70 FR 29280), and a fifth notice for the FY 2004 indirect cost rates was published on March 16, 2006 (71 FR 13356). Cotton's reports on these indirect rates can also be found on the DARRP Web site at <http://www.darrp.noaa.gov>.

Cotton reaffirmed that the Direct Labor Cost Base is the most appropriate indirect allocation method for the development of the FY 2005 indirect cost rates.

**The DARRP's Indirect Cost Rates and Policies**

The DARRP will apply the indirect cost rates for FY 2005 as recommended by Cotton for each of the DARRP component organizations as provided in the following table:

DARRP component organization	FY 2005 indirect rate (percent)
Office of Response and Restoration (ORR) .....	180.42
Restoration Center (RC) .....	166.70
General Counsel for Natural Resources (GCNR) .....	169.59

These rates are based on the Direct Labor Cost Base allocation methodology.

The FY 2005 rates will be applied to all damage assessment and restoration case costs incurred between October 1, 2005 and September 30, 2006. DARRP will use the FY 2005 indirect cost rates for future fiscal years until subsequent year-specific rates can be developed.

For cases that have settled and for cost claims paid prior to the effective date of the fiscal year in question, the DARRP will not re-open any resolved matters for the purpose of applying the revised rates in this policy for these fiscal years. For cases not settled and cost claims not paid prior to the effective date of the fiscal year in question, costs will be recalculated using the revised rates in this policy for these fiscal years. Where a responsible party has agreed to pay costs using previous year's indirect rates, but has not yet made the payment because the

settlement documents are not finalized, the costs will not be recalculated.

The DARRP indirect cost rate policies and procedures published in the **Federal Register** on December 7, 2000 (65 FR 76611), on December 2, 2002 (67 FR 71537), October 6, 2003 (68 FR 57672), May 20, 2005 (70 FR 29280), and March 16, 2006 (71 FR 13356) remain in effect except as updated by this notice.

Dated: February 5, 2007.

**Captain Ken Barton,**

*Director, Office of Response and Restoration, National Ocean Service, National Oceanic and Atmospheric Administration.*

[FR Doc. E7-2203 Filed 2-8-07; 8:45 am]

**BILLING CODE 3510-JE-P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

[I.D. 020507C]

**Marine Mammals; File No. 42-1642**

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

**ACTION:** Notice; receipt of application for amendment.

**SUMMARY:** Notice is hereby given that Mystic Aquarium, 55 Coogan Boulevard, Mystic, CT 06355 (Dr. Lisa Mazzaro, Principal Investigator) has requested an amendment to scientific research Permit No. 42-1642.

**DATES:** Written, telefaxed, or e-mail comments must be received on or before March 12, 2007.

**ADDRESSES:** The amendment request and related documents are available for review upon written request or by appointment in the following office(s):

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; and Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930-2298; phone (978)281-9300; fax (978)281-9394.

Written comments or requests for a public hearing on this request should be submitted to the Chief, Permits, Conservation and Education Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular amendment request would be appropriate.

Comments may also be submitted by facsimile at (301) 427-2521, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period.

Comments may also be submitted by e-mail. The mailbox address for providing e-mail comments is *NMFS.Pr1Comments@noaa.gov*. Include in the subject line of the e-mail comment the following document identifier: File No. 42-1642.

**FOR FURTHER INFORMATION CONTACT:**

Amy Sloan or Jennifer Skidmore, (301)713-2289.

**SUPPLEMENTARY INFORMATION:** The subject amendment to Permit No. 42-1642, which was most recently amended on April 28, 2004 (69 FR 24586), is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222-226), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*).

Permit No. 42-1642 authorizes the permit holder to conduct nutritional research on captive Steller sea lions (*Eumetopias jubatus*) and to receive, import, and export samples from pinniped and cetacean species for nutritional and health-related research. The permit holder requests authorization to increase the number of blood samples received, imported, or exported from 1000 per year to 10,000 per year. No takes from live animals are requested. The increase is requested to accommodate the availability of banked serum samples from other institutions for Brucella analysis. The amendment would be effective until the expiration date of the permit, October 15, 2007.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: February 5, 2007.

**P. Michael Payne,**

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

[FR Doc. E7-2200 Filed 2-8-07; 8:45 am]

**BILLING CODE 3510-22-S**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

[I.D. 020507E]

**Endangered Species; File No. 1447**

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

**ACTION:** Notice; issuance of permit.

**SUMMARY:** Notice is hereby given that the South Carolina Department of Natural Resources 217 Fort Johnson Road, Charleston, South Carolina 29412 [Responsible Party/Principal Investigator: Mark Collins, PhD], has been issued a permit to conduct scientific research on shortnose sturgeon (*Acipenser brevirostrum*).

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

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; and Protected Resources Division, Southeast Region, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701; phone (727) 824-5312; fax (727) 824-5309.

**FOR FURTHER INFORMATION CONTACT:**

Malcolm Mohead or Carrie Hubard, (301)713-2289.

**SUPPLEMENTARY INFORMATION:** On September 09, 2003, notice was published in the **Federal Register** (68 FR 53140) that a request for a scientific research permit to take shortnose sturgeon had been submitted by the South Carolina Department of Natural Resources. The requested permit has 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).

The South Carolina Department of Natural Resources [Dr. Mark Collins, Principal Investigator], is authorized to sample and track shortnose sturgeon in South Carolina coastal waters. Annually, up to 100 fish will be taken via gill nets, measured, weighed, PIT and Dart tagged, anaesthetized, and gastric lavaged. A subset of 50 fish will be fitted with radio/sonic transmitters and tracked during the study. Additionally, the researcher will deploy buffer pads as substrate to collect up to

100 sturgeon eggs annually to verify spawning periodicity. Two fish are authorized annually as unintentional mortality. The permit will terminate on February 28, 2012. Issuance of this permit, as required by the ESA, was based on a finding that such permit (1) was applied for in good faith, (2) will not operate to the disadvantage of the endangered species which is the subject of this permit, and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: February 6, 2007.

**P. Michael Payne,**

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

[FR Doc. E7-2199 Filed 2-8-07; 8:45 am]

**BILLING CODE 3510-22-S**

**DEPARTMENT OF DEFENSE**

**Department of the Army**

**Notice of Intent To Grant a Partially Exclusive License; Symbiont Enterprises, Inc.**

**AGENCY:** Department of the Army, DoD.

**ACTION:** Notice.

**SUMMARY:** In accordance with 35 U.S.C. 209(e) and 37 CFR 404(a)(1)(i), the Department of the Army announces the intent to grant a revocable, non-assignable, partially exclusive license to Symbiont Enterprises, Inc., Huntsville, AL, for the AWarE Video Elements (AVE) government-owned software for archiving and conducting searches of video data.

**DATES:** Anyone wishing to object to the grant of this license can file written objections, along with supporting evidence, if any, within 15 days from the date of this publication.

**ADDRESSES:** Written objections are to be filed with the Office of Research and Technology Applications, SDMC-RDTC-TDL (Ms. Susan D. McRae), Bldg. 5220, Von Braun Complex, Redstone Arsenal, AL 35898.

**FOR FURTHER INFORMATION CONTACT:** Ms. Joan Gilsdorf, Patent Attorney, e-mail: *joan.gilsdorf@smdc.army.mil*; (256) 955-3213 or Ms. Susan D. McRae, Office of Research and Technology Applications, e-mail: *susan.mcrae@smdc.army.mil*; (256) 955-1501.

**Brenda S. Bowen,**

*Army Federal Register Liaison Officer.*

[FR Doc. 07-586 Filed 2-8-07; 8:45 am]

**BILLING CODE 3710-08-M**