

The NMSP's Indirect Cost Rates and Policies

The NMSP will apply the indirect cost rates for FY 2004 as recommended by C&C for each of the NMSP component organizations as provided in the following table:

| NMSP component organization | FY 2004 indirect rate (percent) |
|---|---------------------------------|
| National Marine Sanctuary Program (NMSP) | 125.40 |
| NMSP Florida Keys National Marine Sanctuary (FKNMS) | 198.37 |

The FY 2004 rates identified in this policy will be applied to all damage assessment and restoration case costs incurred between October 1, 2003 and September 30, 2004, using the Direct Labor Cost base allocation methodology. For cases that have settled and for costs claims paid prior to the effective date of the fiscal year in question, the NMSP will not re-open any resolved matters for the purpose of applying the rates in this policy. 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 rates in this policy. The NMSP will use the FY 2004 rates for future fiscal years until year-specific rates can be developed.

Dated: June 11, 2007

Daniel J. Basta,

Director, National Marine Sanctuary Program.

[FR Doc. 07-3018 Filed 6-19-07; 8:45 am]

BILLING CODE 3510-NK-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Notice of Indirect Cost Rates for the National Marine Sanctuary Program for Fiscal Year 2003

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of indirect cost rates for the National Marine Sanctuary Program for fiscal year 2003.

SUMMARY: The National Oceanic and Atmospheric Administration's (NOAA's) National Marine Sanctuary Program (NMSP) is announcing the establishment of new indirect cost rates on the recovery of indirect costs for its component organizations involved in natural resource damage assessment and restoration activities for fiscal year (FY) 2003. The indirect cost rates for this fiscal year and dates of implementation

are provided in this notice. More information on these rates and the NMSP policy can be obtained from the address provided below.

FOR FURTHER INFORMATION CONTACT: Harriet Sopher, 301-713-3125, ext. 271; (FAX: 301-713-0404; e-mail: *Harriet.Sopher@noaa.gov*).

SUPPLEMENTARY INFORMATION: The mission of the NMSP with respect to Natural Resource Damage Assessment is to restore injuries to sanctuary resources caused by releases of hazardous substances or oil under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (42 U.S.C., 9601 *et seq.*) or the Oil Pollution Act of 1990 (OPA) (33 U.S.C., 2701 *et seq.*), or physical injuries under the National Marine Sanctuaries Act (NMSA) (16 U.S.C., 1431 *et seq.*). The NOAA NMSP consists of the following component organizations: Thirteen Marine Sanctuaries and one National Monument within NOAA's National Ocean Service. The NMSP conducts Natural Resource Damage Assessments (NRDAs) as a basis for recovering damages from responsible parties and uses the funds recovered to restore injured sanctuary resources.

When addressing NRDA incidents, the costs of the damage assessment are recoverable from responsible parties who are potentially liable for an incident. Costs include direct and indirect costs. Direct costs are costs for activities that are clearly and readily attributable to a specific output. In the context of the NMSP, outputs may be associated with damage assessment cases, or may be represented by other program products such as damage assessment regulations. In contrast, indirect costs reflect the costs for activities that collectively support the NMSP's mission and operations. For example, indirect costs include general administrative support and traditional overheads. Although these costs may not be readily traced back to a specific direct activity, indirect costs may be allocated to direct activities using an indirect cost distribution rate.

Consistent with standard Federal accounting requirements, the NMSP is required to account for and report the full costs of its programs and activities. Further, the NMSP 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 NMSP 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 NMSP's Indirect Cost Effort

In October 2002, the NMSP hired the public accounting firm Cotton & Company (C&C) to: (1) Evaluate the cost accounting system and allocation practices; (2) recommend the appropriate indirect cost allocation methodology; and, (3) determine the indirect cost rates for the organizations that comprise the NMSP.

The NMSP requested an analysis of its indirect costs for fiscal year 2002. The goal was to develop the most appropriate indirect cost rate allocation methodology and rates for the NMSP component organizations. C&C has continued its assessment of the NMSP's indirect cost rate system and structure from FY 2002 to present.

C&C concluded that the cost accounting system and allocation practices of the NMSP component organizations are consistent with Federal accounting requirements. C&C also determined that the most appropriate indirect allocation method was the Direct Labor Cost Base for all NMSP component organizations. The Direct Labor Cost Base is computed by allocating total indirect costs over the sum of direct labor dollars plus the application of NOAA's leave surcharge and benefits rates to direct labor. The indirect cost rates that C&C has computed to the NMSP component organizations were further assessed as being fair and equitable. A report on C&C's effort, their assessment of the NMSP's cost accounting system and practice, and their determination respecting the most appropriate indirect cost methodology and rates can be obtained from: Harriet Sopher, NMSP 1305 East West Highway, Silver Spring, MD 20910.

C&C reaffirmed that the Direct Labor Cost Base remained the most appropriate indirect allocation method for the development of the FY 2003 indirect cost rates.

The NMSP's Indirect Cost Rates and Policies

The NMSP will apply the indirect cost rates for FY 2003 as recommended by C&C for each of the NMSP component organizations as provided in the following table:

| NMSP component organization | FY 2003 indirect rate (percent) |
|--|---------------------------------|
| National Marine Sanctuary Program (NMSP) | 187.67 |

| NMSP component organization | FY 2003 indirect rate (percent) |
|---|---------------------------------|
| NMSP Florida Keys National Marine Sanctuary (FKNMS) | 339.05 |

The FY 2003 rates identified in this policy will be applied to all damage assessment and restoration case costs incurred between October 1, 2002 and September 30, 2003, using the Direct Labor Cost Base allocation methodology. For cases that have settled and for costs claims paid prior to the effective date of the fiscal year in question, the NMSP will not re-open any resolved matters for the purpose of applying the rates in this policy. For cases not settled and cost claims not paid prior to the effective date of the fiscal year in question, costs may be recalculated using the rates in this policy. The NMSP will use the FY 2003 rates for future fiscal years until year-specific rates can be developed.

Dated: June 11, 2007.

Daniel J. Basta,

Director, National Marine Sanctuary Program.

[FR Doc. 07-3019 Filed 6-19-07; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XA88

Marine Mammals; File No.1034-1685

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 Dr. Markus Horning, Marine Mammal Institute, Oregon State University, 2030 SE Marine Science Drive, Newport, OR 97365, has requested an amendment to scientific research Permit No. 1034-1685-01 for research on marine mammals.

DATES: Written, telefaxed, or e-mail comments must be received on or before July 20, 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

Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213; phone (562)980-4001; fax (562)980-4018.

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. 1034-1685-02.

FOR FURTHER INFORMATION CONTACT:

Amy Sloan or Jaclyn Daly, (301)713-2289.

SUPPLEMENTARY INFORMATION: The subject amendment to Permit No. 1034-1685-01, issued on November 11, 2004 (69 FR 69585), is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*) and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

Permit No. 1034-1685-01 authorizes the permit holder to surgically implant dual satellite-linked life history transmitters; attach external satellite tags; collect blood, blubber, and fecal samples; and conduct bioelectrical impedance analysis, deuterium dilution determinations, and blubber ultrasound measurements on California sea lions (*Zalophus californianus*) at The Marine Mammal Center. The permit also authorizes anesthesia and adrenocorticotropic hormone (ACTH) injections to measure adrenal stress levels in up to 6 California sea lions. Stress levels are measured through blood and fecal analysis.

The permit holder requests authorization to increase the number of California sea lions that receive ACTH injections to 12 animals, and inject 6 animals with a sterile saline solution as a control group. The permit holder also requests the addition of a co-investigator to the study.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial

determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

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: June 13, 2007.

P. Michael Payne,

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

[FR Doc. E7-11956 Filed 6-19-07; 8:45 am]

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DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No. PTO-C-2007-0023]

Public Advisory Committees

AGENCY: United States Patent and Trademark Office, DOC.

ACTION: Notice and request for nominations.

SUMMARY: On November 29, 1999, the President signed into law the Patent and Trademark Office Efficiency Act (the "Act"), Pub. L. 106-113, Appendix I, Title IV, Subtitle G, 113 Stat.1501A-572, which, among other things, established two Public Advisory Committees to review the policies, goals, performance, budget and user fees of the United States Patent and Trademark Office (USPTO) with respect to patents, in the case of the Patent Public Advisory Committee, and with respect to trademarks, in the case of the Trademark Public Advisory Committee, and to advise the Director on these matters. The USPTO is requesting nominations for three (3) members to each Public Advisory Committee for terms of three years that begin from date of appointment.

DATES: Nominations must be postmarked or electronically transmitted on or before September 1, 2007.

ADDRESSES: Persons wishing to submit nominations should send the nominee's resumé to Chief of Staff, Office of the Under Secretary of Commerce for Intellectual Property and Director of the USPTO, Post Office Box 1450, Alexandria, Virginia 22313-1450; by electronic mail to: *PPACnominations@uspto.gov* for the Patent Public Advisory Committee or *TPACnominations@uspto.gov* for the